
ANNALS

OF

THE CONGRESS OF THE UNITED STATES.

ELEVENTH CONGRESS.—FIRST AND SECOND
SESSIONS.

THE
DEBATES AND PROCEEDINGS
IN THE
CONGRESS OF THE UNITED STATES;
WITH
AN APPENDIX,
CONTAINING
IMPORTANT STATE PAPERS AND PUBLIC DOCUMENTS,
AND ALL
THE LAWS OF A PUBLIC NATURE;
WITH A COPIOUS INDEX.

ELEVENTH CONGRESS—FIRST AND SECOND SESSIONS.
COMPRISING THE PERIOD FROM MAY 22, 1809, TO MAY 1, 1810,
INCLUSIVE.

COMPILED FROM AUTHENTIC MATERIALS.

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OF CONGRESS

WASHINGTON:

PRINTED AND PUBLISHED BY GALES AND SEATON.

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1853.

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in favor of any measure before the Legislature than he has in favor of this; but the bill ought to be decided on its merits, and not on the opinion of the President.

A gentleman from Pennsylvania (Mr. Ross) is good enough to allow, that those who may vote for the bill will do it on pure motives. The object of the bill, and of those who support it, is to preserve the peace of the nation if possible. The gentleman quite astonished me; he made a flaming war speech, and, before he sat down, said he wished for peace, if war could be avoided. He and those who support the bill agree in their wish to preserve peace; we propose the bill as the best means of doing this, which he calls submission; he proposes nothing; if then our plan is submission, to do nothing will surely be submission also—a war speech to conclude in favor of peace is a little strange to me. Were I for war, I should be for making the necessary preparation, to call forth the resources and the energy of the nation, to go at it tooth and nail. He also said, that a middle ground had been adopted in the bill, and that the middle ground was submission. Without referring to *Æsop* or to *Grotius*, to decide whether it be so or not, it seems, to me, that common sense would in the present case decide that the middle ground was neither war nor submission. But the bill contains something like old embargo principles—these seem to be quite as much dreaded as the fatal submission which the bill contains. There is not anything in it like embargo, though the gentleman pays me a compliment, which I do not deserve, when he says, that the chairman who reported the bill was an embargo man, and nothing but embargo principles was to be expected. If he knew the committee, he would not believe, that any chairman could report a bill which they did not approve, and he would also believe that they understood embargo principles. Yes, sir, I am an embargo man, and hesitate not to say, that the day Congress gave up the embargo for the non-intercourse, if there be submission, that day it began; but I do not consider that submission, and the bill is undeniably a better measure than the non-intercourse; if we wished war, either against England or France, or against both, instead of the non-intercourse act, we ought then to have made a declaration of war; we then had our sailors, our property, and our vessels, at home. I cannot perceive the great wisdom, and undaunted courage, in these war speeches, when there is no war motion.

The same gentleman has brought another embargo charge against me; it is this, that I mingle it with everything I say. He certainly ought not to complain, for he said twice as much about war, as I have about the embargo. The fact is, a gentleman from New York (Mr. Gold) first brought it into debate the present session; to him I replied. I have always been willing to defend it, and never ashamed that I approved it; and a great majority of the nation also approved it. The embargo, as well as every other measure which has been brought forward, in opposition to the decrees

of France, and the orders of Great Britain, have been opposed, while all are saying they will not submit to either. To say the least of the embargo, it kept us a year out of war, and the non-intercourse with all its imperfections has probably kept us out of it another, and if this bill shall preserve the peace of the country only one year more, the committee will have deserved well of the nation.

It is true, that I was willing to limit the bill to the end of the present session of Congress, under the expectation that we might by that time understand completely its effect. If it should prove, as I believe it will, a beneficial measure, there would be no difficulty in continuing it longer, and if on experience it should be found not to produce any advantage the sooner it expired the better. I have patiently attended to the objections which have been stated to the bill; they have not appeared to me to be solid; but is the gentleman himself absolutely certain that he is right, that he is so wise that he cannot be mistaken; is he like the French girl, of whom Doctor Franklin told the story in the Convention, who inquired of her mother, how it happened that she always found everybody in the wrong, and herself always in the right? The short limitation is an objection which was not expected from those who are opposed to every part of the bill, and in favor of war; one would naturally suppose the shorter the limitation the more agreeable to them.

I understood the gentleman to say, that the friends of the bill had called on him, and others who think with him, to join and aid them in passing it. I deny it as to myself; I call upon no man for aid. The bill must stand or fall on its own merits. It has never been, nor ever will be my practice to be running about the city by day or by night, prowling after men, to support any measures I may propose; if right they ought to be adopted, if wrong they ought to be rejected. To have solicited the aid of the men who declare the bill to be submission, and that nothing but war will save the nation, would be, in my opinion, to have insulted them. It is not only asking them to give up their opinion, but also to do an act which they consider submission, and, of course, disgraceful at least. Nor have I requested or demanded of them to come out as party men to support the bill. No, sir, I have never asked any man to yield his judgment to party. To endeavor to pass a bill on such principles, would be to acknowledge that there was no reason for passing it; in fact that it ought not to pass.

The same gentleman says, the present discussion, at the next election, will put men who are for more energetic measures in Congress from the Eastern and Southern States. How this may be, I cannot tell, but it is a good while since these two portions of the Union have been coupled together before. As to the people from the East, personally I know but little about them, having never been among them; if, however, a judgment may be formed of them, from their members here, they will be found as tenacious of their opinions, as most people are of theirs. The

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gentleman has forgot that their Representatives adhere so close to their opinion, that not very long since, he had to sit up all night to get a vote. Whatever may be the decision of those in the South, which I represent, it will be perfectly agreeable to me; but I am yet to learn that the people in the East and in the South* are more fickle than those of the Middle States.

It is true that the people in the South do not make a practice of meeting to pass fiery resolutions, which, in general, mean nothing more than that the first mover of the meeting, and of the resolutions, wants an office. On the day of election, they pass on the conduct of their Representatives, and then tell them whether they have done well, or not. I did not hear the gentleman distinctly enough to understand the story of the Bedlamite, who believed he had in his power to secure the balance of power in Europe. The Bedlamite was as well calculated for this as any man in the world. The truth is, that no nation ever acted with a view to preserve a balance of power, all have acted on the principle of self-interest. The strong have used it, as a reason to induce the weak to join in their wars; the weak never leagued against the strong, though the strong have leagued against the weak. This at once shows the manner in which both understood it.

A single remark, on what the gentleman from New York (Mr. Mumford) said, and I am done with remarking on the observations made by others. He is hot from his constituents, and goes a step further than every one else. He tells you that the bill is downright colonial submission, and that the non-intercourse is the system which ought to be pursued. To this, I shall only reply, that I do not recollect, while that celebrated bill was before the House, but one gentleman declaring, in his place, that he approved it, and the gentleman from New York has now the sole honor of supporting it.

The bill is calculated not only to prohibit French and British vessels, of all sorts, from entering our waters, but also to put an end to the disgraceful Amelia island and Nova Scotia trade, to put an end to all indirect commerce in the produce and manufactures of Great Britain and France, and to secure to our vessels the profit of carrying on the direct trade between them and us, so long as their orders and decrees against us are continued in force. But we cannot do without French brandy and French wine, we must have them, and can get them at Tonningen. Sir, before I would be sneaking into Tonningen, or any other place, after them, while their decrees are in force, and while they continue to sequester every cent of our property they can lay their hands on, I would drink whiskey and home-made brandy all my life. If Great Britain chooses, she may retaliate, and we shall be ruined, because we cannot get broadcloth. Let her retaliate—let her by that make a complete non-intercourse. The experiment will then be made which can stand it longest. I have no doubt on this point, but that we could stand it twice as long as she could. In

the present state of things, we can get broadcloth from Amelia island and Halifax. Before I would go skulking about either of these places after it, while her orders are in force, and in violation of the laws of this nation, I would wear homespun to the day of my death. Again, if she should retaliate, we shall then have not an imaginary non-intercourse, but a real one.

I have endeavored to show before, that this was not the proper time to go to war. If the Legislature shall decide that it is, we may promise ourselves to have a host of contractors, quartermasters, commissaries, &c., all growing rich, while the nation may be growing poor. Let the condition of the country and the Army be what it may, these will make money. Those who have called the bill submission, have not attempted to demonstrate that it was so; and those who have said that it had not as much energy as the non-intercourse law, have not attempted to prove it. I should like to hear them attempt to satisfy the House that their opinions were correct.

One word as to all the talk about war; as there is no motion for it, the fair presumption is, that there are not many in the House for it. Then it may fairly be considered that all these big war words, only mean to advise a course which, it is known, will not be adopted. The true time to try courage is the minute of danger. So the true time to try a war speech is to seal it with a war vote; when that vote will give a majority, no doubt can be entertained but that all the gentlemen who have favored the House with a war speech would seal it with such a vote, and that they would take an active part in carrying on the war. But a vote, when it is known that the measure will not obtain, is nothing.

Sir, it appears to me that the bill will promote the welfare and happiness of the nation by preserving peace. It offers to Great Britain and France another proof of the sincerity of our desire to remain neutral, and to settle our disputes with them in a friendly way. It justly places them on the same ground in relation to us. It is a measure which we can maintain, because it promotes the interest of all, and particularly the interest of those who might, with the most facility, evade its operation. The orders and decrees of Great Britain and France are certainly against their interest; it will afford them time to reconsider them, and, I hope, to withdraw them; and, as no other system has been proposed either in the Committee of the Whole or in the House, I trust it will meet the approbation of the Legislature.

Mr. PICKMAN said that believing the bill would, if passed into a law, prove very injurious in its operation, he considered it his duty to state his objections against it more at large than he had hitherto done. Its advocates say that it is calculated to promote the interest of the American ship-owners. If so, I am very unfortunate in my opposition to it; for no State in the Union is so deeply interested in navigation as the State of Massachusetts, and no person in that State more so than those whom I have the honor to repre-

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sent. They may justly be ranked among the most industrious and enterprising merchants of the United States. But, according to my view of this bill, it is calculated to injure instead of promoting their interests. In speaking upon this subject, I shall briefly notice some of the observations which have been made since it has been under discussion; shall take a slight review of our various restrictive laws, and shall point out the probable consequences of adopting this system. It has been urged, in objection to the fifth section, that it will be impracticable to carry it into effect, because, in many cases, it is impossible to distinguish between articles manufactured in Great Britain and France, and those manufactured in other countries, and between the produce of British and French colonies, and the produce of other colonies. In answer to this, a gentleman from Virginia (Mr. SHEFFEY) says that the same objection exists against our revenue laws, for there is a difference in the duty of certain *ad valorem* articles of the same nature; but this difference depends on the places from which they are imported, which can always be ascertained, not on the places where they are manufactured, which, in many instances, it may be impossible to ascertain.

A gentleman from Pennsylvania, (Mr. SEYBERT,) in the course of his observations, which seemed to be intended to show the propriety of encouraging manufacturing establishments in the United States, observed, also, that, in his opinion, it would be the extreme of folly in us, to enter into a contest with both the great belligerents, and inexpedient to do it with either. He went on, however, to show, that the trade with the continent of Europe is much more important than the trade with Great Britain, and introduced statements from the Treasury Department to prove it. By those statements, it appears that the exports of the continent of Europe during the years 1805, 1806, and 1807, greatly exceeded the exports to Great Britain during the same period. But, it must be recollected that our exports to the Continent consisted almost wholly of colonial produce, a trade which is fluctuating and temporary, and our exports to Great Britain consisted of domestic produce, a trade steady and permanent. Besides, the alternative is not presented to us. Should we be at war with Great Britain, our trade with the Continent would also be annihilated, for it cannot be denied that, with the dominion of the ocean, she possesses an almost unlimited power over the commerce of the world.

With respect to the commercial warfare which we have, for several years past, been carrying on with Great Britain; it commenced and has been conducted, under the extremely erroneous opinion that the trade of this country is more important to Great Britain than the trade of Great Britain is to this country. Under this idea we passed the non-importation act, supposing that it would aid our Ministers in their negotiations; its effects were to raise the prices of such goods as were prohibited, to encourage the pernicious

practice of smuggling; and, instead of aiding our Ministers, it proved an obstacle in their way. That administration of the British Government which has been considered as the most liberal toward this country, would not enter on negotiation until that obnoxious law was suspended. To this succeeded what is usually termed the embargo act, or, more properly, the suppression of commerce by a permanent law. This law produced so much distress that our citizens could not exist under it for any great length of time. It paralyzed the productive industry of the country at its heart. They who complained of it suffered most severely under it; they considered it an unwise and an unjust law. Many of them thought it an unconstitutional law. Under such circumstances they are not to be reproached for a want of virtue and patriotism, in endeavoring to obtain its repeal; on the contrary, they exhibited much of both in refraining from an unconstitutional opposition to it. And they could not perceive that the wounds of their country were likely to be healed by the stripes inflicted upon them.

I have said that the trade with Great Britain is more important to this country than the trade of this country is to Great Britain. I shall endeavor to demonstrate this position; and I think it may be done without descending into any minute calculations. Three-quarters of the people of this country, at least, are agriculturists, and a large portion of the other quarter are engaged in carrying our produce to foreign markets, and in bringing articles wanted for consumption here. All our agriculturists are, more or less, employed in raising articles for exportation. The planters of the Southern States are particularly so; their cotton and tobacco, their two staple articles, are raised, almost exclusively, for exportation; they are raised at much expense, and if the exportation of them is restricted it necessarily involves the planter in difficulty and embarrassment. The farmers in the Middle and Eastern States are also employed in raising articles for exportation; they are, generally, persons of middling property. If their crops are good, and they can sell their surplus produce at a fair price, they live comfortably; but if their crops are bad, or, which amounts to the same thing, if they cannot sell their surplus produce, they suffer the inconveniences of poverty. Now, from the Treasury statements produced by the gentleman from Pennsylvania, (Mr. SEYBERT,) it appears that considerably more than one-half of our domestic exports, during the years 1805, 1806, and 1807, were made to Great Britain and her colonies. Surely a trade so highly important as this, a trade which gives employment to at least one-quarter of the inhabitants of the United States, cannot be abandoned without producing the most serious distress; but it is highly important in another point of view. Many of the articles which we import from Great Britain are necessary to us; they cannot be obtained from any other country. If they cannot be legally imported they will be illegally introduced; their high prices will operate as a

severe tax upon our citizens, will encourage the pernicious, demoralizing practice of smuggling; will annihilate our revenue from impost duty, and will compel us to have recourse to loans or direct taxes. Such, sir, are the true and unexaggerated evils which must result to this country from non-exportation to Great Britain and her colonies. Let us now consider how the non-importation of her manufactures would affect her, if it could be carried strictly into effect; and here I would observe, that I entertain no doubts of its being highly for the interest of Great Britain to preserve a good understanding with this country, and to keep our markets open for her manufactures. I only mean to show that she would suffer much less distress from a complete non-intercourse between the two countries, than we should. It is true that a considerable portion of her subjects are engaged in manufactures; this portion, however, does not exceed, at most, one-fourth of her population; of the articles manufactured there, not more than one-eighth are exported to this country; of course, a very small portion of her inhabitants are supported by the trade with this country; whereas, as I have before observed, a large proportion of our citizens are supported by our trade with Great Britain—besides, with her immense commercial resources, she can obtain from other countries many of the raw materials with which we usually supply her. The last accounts from India state, that there were from 30,000 to 40,000 bales of cotton shipped on board of their country ships for England. This will very materially affect the price of our Southern cotton at her markets, and is the effect of our embargo. In whatever light I can view this commercial warfare with Great Britain, it appears to me to be fraught with ruin to ourselves.

I consider the bill under discussion as a branch of the same restrictive system which has done us so much injury. The fifth section is nothing more nor less than the renewal of the present miserable non-intercourse act, in case Great Britain should refuse our commerce, upon the humiliating terms on which this bill offers it to her. We interdict our ports to her merchant vessels, of which, as appears from the Treasurer's reports, not more than forty or fifty visit our ports in the course of a year; and we thereby furnish her with a pretext for excluding our merchant vessels from her ports, of which from seven to eight hundred go there annually, laden with the productions of this country. Is it not putting infinitely too much at risk for so inconsiderable an object? But, gentlemen say, she will not retaliate, because it will not be for her interest to do it. When gentlemen say this, do they not mean a temporary pecuniary interest? Has Great Britain ever been known to give up an important principle to preserve such an interest? Is it not all-important to her to convince every nation on earth, that they cannot subdue her by a commercial warfare? I, sir, am very apprehensive that she will pass countervailing decrees; and if she should do it, that it will place our country in a

much worse situation than it now is. One of my colleagues (Mr. CURTIS) has stated that if we admit British ships they will become the carriers of all our produce; because the articles of cotton and tobacco pay much higher duties if imported into England in American vessels, than if imported in British vessels. If the discriminating duties have been made to operate against us, it does not prove that this bill ought to pass, but that the law establishing them should be repealed. The gentlemen from the Southern States will recollect that much of the capital in the Eastern States is now out of employment, and cannot, as heretofore, be employed in the importation and exportation of colonial produce, for most of the colonies are in possession of Great Britain, and almost all the ports on the continent of Europe are shut against us by the Emperor of France. Should all our restrictions upon commerce be taken off, much of this capital would find its way into the Southern States for the purchase of their produce. Our merchants would become the purchasers instead of the carriers of it, and all the risks would be transferred from the planters to them. This, in my opinion, would operate much to the advantage of the planter. In every view of this bill, which I am able to take, it appears to me that it would be highly inexpedient to pass it with its commercial regulations and restrictions. When this subject came under discussion, I expressed a hope that we should discuss it with the cool deliberation that its importance required, and without the interference of any party considerations; but it would appear from the discussions which have taken place, on this and other subjects, as if Great Britain were the only nation that is doing us any injury. I would seriously ask gentlemen, if the Berlin, Milan, and Bayonne decrees are not more outrageous violations of our national rights than the British Orders in Council? I would seriously ask, whether the sequestration of American property in ports under the government or control of France; the indiscriminate capture of our vessels; the ransoming some as a sort of cartels; the burning of others; the sending in of others for condemnation, and the imprisonment of our seamen, are not more hostile practices than any that Great Britain is guilty of toward us? Great Britain is contending for her national existence, and to maintain the dominion of the ocean—could that dominion be wrested from her without endangering our own country, I might rejoice at it; but she is engaged in a contest with an enemy who is fighting for the dominion of both land and sea. Should he compel her to make peace on such terms as he would prescribe, in my opinion the liberty and the independence of this country would be in the most imminent hazard, and I should consider the utter destruction of the inhabitants of this country a small calamity in comparison with their subjection to that cruel and unrelenting military despotism under which most of the wretched inhabitants of Europe are now suffering such unexampled distress.

Mr. SHEFFEY.—Mr. Speaker, in supporting the

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bill on your table, I shall not attempt to show that it is the best measure that can possibly be adopted; for, under present circumstances, the greatest difficulty attends legislating on any subject touching our foreign relations. Even in ordinary times it is impossible to anticipate certainly the effects of every measure. The best practical statesmen, conscientiously acting for the public good, cannot always foresee what will be the operation of the measures he adopts. Experience, the surest guide, often deceives those who are guided by it; this is more particularly possible now, when we are legislating for a crisis, which, perhaps, has not its parallel in the history of the world. We need only to look back for two or three years, and we shall have abundant proof of what I say. The embargo and other measures were adopted (I doubt not) with the best intentions; their friends conceived that the real interest of the country depended on their adoption; yet experience has shown, that however correct those who advocated them generally are in their opinions, that, in relation to these measures, they were mistaken, and that that which might have answered for other times, does not suit the present. I have made these observations as an apology for my error, should I be mistaken in the opinion which I have formed on this subject.

I will proceed to consider the subject, as it appears to me, and must apologize for the extended and, perhaps, desultory view I shall take of it. I will examine those measures which have been urged or offered as substitutes for this, and attempt to show that they are inexpedient at this time, and that the bill before you contains provisions practical, proper, and expedient.

It has been objected to this bill, on one side, that it is not sufficiently energetic, and, on the other, that it is too energetic, and a continuation (in a different shape) of that system of commercial restrictions, which experience has proved destructive to our own interest. Those who have declared that this bill is too feeble, have told us that it is necessary that we should act, and some of them have recommended measures leading directly to war. If that be the true policy of this country, then the bill before you ought not to be adopted; for nothing could be more inexpedient or improper than to send our property on the ocean at the moment we are about declaring war. If the sense of the majority be to adopt measures of hostility, this bill ought to be rejected, and we ought immediately to lay an embargo, coupled with a declaration of war. It is, therefore, proper to inquire, whether that be expedient? If so, we ought not to pass this bill; if it is, however, shown that such a course would be improper, one objection to the bill, under consideration, will be done away.

I will, therefore, sir, inquire whether, under existing circumstances, it is compatible with the interest and prosperity of this nation, to change our peaceful attitude for that of war? I have heard it said that, on such occasions, you ought not to pursue the narrow dictates of prudence, or consult the contracted counsels of deliberate

judgment; but that, as your national honor is concerned, you should defend it at every hazard, if you even should precipitate your country into ruin. I, however, presume, sir, that a measure of such magnitude, which may be unsuccessful, in which is involved the very existence of the social compact, ought to be the offspring of our coolest reflections. Shall we rashly engage in a conflict which may inundate the country in blood? Shall we hazard the independence and liberties of this nation, which are involved in the issue, without reflecting on the possible consequences? For my own part, I consider it correct, on a question so important, (most of all others,) to deliberate and reflect, and not to permit myself to be stimulated by passion, to plunge the nation into a war, the consequences of which may be so fatal. Our conclusions should be the result of sober reflection.

I am one of those, sir, who consider that the very nature of our Government is hostile to war. Let me not be understood as advocating the doctrine that we are incapable of going to war on any occasion, or that the Government has not sufficient energy within itself, or means at its command, to prosecute a war successfully. There are great (but few) occasions when it will be necessary and when it will be successful; but I speak of ordinary occasions. To make war successful there must be competent means, and energy and promptitude in their application. This cannot be expected, except in some few instances, in a Government like ours, composed of departments, and containing checks and balances. With us the power to declare war and to provide the means, is in the Legislature. The direction of the means and the manner of prosecuting the war, belongs to the Executive. This division of power has a tendency, on many occasions, to impair that energy so indispensable to the successful issue of a war. It is true that the theory of the British Government contains checks and balances, the House of Commons can control the royal prerogative, by withholding supplies, but, in practice, it has all the energy of a despotism, because those who are to furnish the means, are, on most occasions, at the command of those who apply them; but that is not the case (and I hope never will be) with us. As long as we are free, every department must act on its own conviction of propriety, and this has a tendency to impair that energy and promptitude which characterize despotic Governments.

In a Government like ours, war must originate with the people. Ordinary subjects receive their origin and character with us, and the public sentiment follows; but war must be decided on by the people before we dare venture to declare it. I mean there must be something like a general (though it may not be universal) impulse in its favor communicated through us as conductors. We must follow, instead of leading, the public opinion. Is this the state of things at this time? Is there anything before you to convince the determination of the mass of your population in favor of immediate war? For my own part, I have

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seen and felt nothing to justify such a conclusion. You have heard the buzzing of insects, which has been mistaken for the public voice. There are clamorous men who would feast on the spoils of the country, who cry out for war; but the yeomanry, the valuable class of the community, who earn their bread by the sweat of their brows, are for peace. What would be the consequence of precipitating the nation into hostilities in this state of division of the public opinion, as to its policy or necessity? Is there any prospect that, under such circumstances, you would be able to prosecute it with effect and success? There always will be, in a Government like this, an ever waking, vigilant opposition to those who conduct the public measures; who, aided by the freedom of discussion, and the liberty and even licentiousness of the press, will easily persuade the people that the war which was begun without their wish, and for the prosecution of which they stand not pledged, is unnecessary and ruinous; and those who were the majority, and who commenced the war, will, in a little time, see themselves in a minority. Those who came into power upon these principles must give the expected boon at all hazards; they must give the country peace at any price, if attainable. Thus, if we should proceed to extremities in this thoughtless manner, you will very probably, at the end of two years, have a majority in this House who are decidedly opposed to a continuance of the war, and, after having made a sacrifice of thousands of our best citizens, and exhausted a portion of your energies, you will be compelled to relinquish, in the shape of conventional stipulations, the very principle for which you have contended, and ratify the British Orders in Council in the solemn form of a treaty. This is the natural course of things; instances occur even in the history of that country from which we have derived the principles of our public institutions, where the voice of the people is much less powerful than here. Sir, have you not there seen a high-handed despotic Ministry driven from their places by the public voice, and substituted by their opponents, the pretended or real friends of peace, who are ready to sacrifice the very principle for which the war was gone into? Is the opposition there more powerful, or here less vigilant? Sir, whenever you go to war, take with you the hearts of all your people. Act as their agents in giving effect to their wishes. Then you will have every man in the community pledged, you will have even the opposition pledged to go hand in hand with you, and then it is probable a war may be successful if you have the other necessary means.

There are other dangers to be apprehended incident to a state of war at this time. A war, to be effectual, ought to be energetic; much is to be apprehended from suddenly changing the state of debility and relaxation in which we now are for the opposite extreme. No longer than a year ago, (I regret that I deem it my duty to pronounce it,) you have witnessed, in the bosom of your country, organized opposition to the execution of your laws, not set on foot by a few law-

less individuals, but by the authority of two great States, and that with impunity. So little attachment is then manifested to freedom, and so little fear and respect entertained for the authority of this Government! If you go to war, you must bring your Government back from this state of laxity, you must infuse into it an artificial energy by strong measures, which, as all things have a tendency to go from one extreme to the other, may drive you to despotism. It may not be considered consistent with the public safety to permit the citizens to exercise their rights, which (they sometimes abuse) in the same extent as in times of tranquillity and peace. To make your measures effectual, you must adopt something like restrictions on the liberty of the people, and thus at the close of a war you might have the shadow of a free Constitution, but, in substance, a despotism. As I wish this Government to be perpetual, to sink only with time, and to be lost only when everything sublunary shall be destroyed, I cannot consent to plunge the country headlong into this hazardous state. In addition to these reasons you ought to know that you have at your command the means necessary to prosecute a war. As you have no actual means in your hands, you must depend on taxation or loans. In the absence of all commerce, are you able to extract from the people sums sufficient to pay the expenses of a war establishment? Is this possibly to be expected from a people who have been taught that they are to pay nothing for the support of Government, but that they are to have it administered without paying for it? Can you extract fifty millions a year from them? We are told, however, that the public credit stands high, and that we may resort to loans. But gentlemen ought to reflect on the consequences of such a course. If we engage in a war, we ought not to be parsimonious in the means, and I undertake to say, that the expenditure of fifty millions per annum would produce a very limited military and naval establishment. Thus, in a few years, our national debt would be increased several hundred millions. For my own part, I consider the system of loaning as the most pernicious to carry on a war, and it has been generally so considered until of late. We do the injustice to posterity of compelling them to bear the burden incident to their own situation, and the expenses of our own wars are also thrown upon them. We go on, step by step, without sensibly feeling the increase of each particular burden, until we shall have arrived in that situation in which England now finds herself, when every necessary of life must be taxed to an enormous amount, to pay the annuities to the public creditor; besides, the evils which arise from the immense patronage incident to a large public debt ought not to be disregarded. Under every view of the subject, I cannot consent to adopt any course which shall directly or indirectly lead us to war. The present state of the world is unexampled. Was it as it has been, twenty years ago, there would be more propriety in yielding to the impulse of our notions of honor. But the civilized world is divided be-

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tween two great nations, one exercising absolute dominion on the land, and the other on the ocean, and contending for the monopoly of commerce. Would it be proper, at such a time, when so nearly balanced, to throw our weight into the scale of either? We have weight, or we have none; if we have none, we need to make no parade about it; if we have, would it be prudent, by throwing it on the side of either, to destroy that equilibrium in which is involved our security? Gentlemen say we need not fear the power of France on account of our local position. I have no confidence of that kind. I argue from the nature of man. The thirst for dominion, like the thirst for money, is increased by gratification. If we should assist Napoleon in humbling England, I cannot believe that we should either enjoy the "liberties of the seas," or that he would turn his eyes to other quarters of the globe and let us alone. Neither have I any reliance on the magnanimity of England. She is in pursuit of monopoly, and if we engage on either side we must be sacrificed to this monopolizing spirit, on the one hand, or of dominion on the other. In this conflict, between the lion and the tiger, is it prudent to aid either in the destruction of the other, that we may become a prey, in our turn, to the conqueror? I presume, sir, ordinary prudence would dictate a different course. If there existed that balance of power, either fanciful or real, which once existed in Europe, there would not be the same danger, but, under the existing state of things, it is much better to submit to partial evils, than, by attempting to remedy them, introduce great and general ones; and, if necessary, even to submit to a temporary suspension of our rights rather than to have them entirely destroyed. I am, therefore, not for going to war; every idea of prudence and security forbids it. I am not for taking any step that leads to it indirectly, for I had rather come out boldly at once than adopt any measure leading indirectly to the same object.

One gentleman, (Mr. SEYBERT,) if I have inferred rightly from his speech, has objected to this bill, not because we ought to go to war, but that we ought to withdraw from the ocean entirely. He has told us that we have resources within ourselves, and that the energies of this country ought to be employed in manufactures. Sir, it is much easier to say what ought to be done than to do it; to imagine how the prosperity of a nation may be promoted, than practically to promote it. It is not in the power of even a despotic Government to change the habits and pursuits of a nation, much less so when the Government emanates from the public sentiment. You may legislate on any subject, but, if your measures oppose the general habits, pursuits, and sentiments of the people, you will find them disregarded and defeated. You may say a portion of the people shall become manufacturers, but your determination will not be carried into effect, at least, not speedily. In a nation, each individual will pursue his own interest; and with us, I hesitate not to say the predominant interest is and ought to be

the agricultural. It is only in countries where there is a redundant population that the manufacturing system can be established with success. When the price of labor is so high and land so abundant and cheap, it is not for the Legislature, but for necessity and interest to direct the course which the general employment shall take. This is an agricultural nation, its interest requires it should remain so, and commerce is necessary to the prosperity of agriculture. As long as it remains so, the people will have commerce if it is attainable; you may legislate and interdict as long as you please, but you will not be able to divert the people from their interests, and before you will be able to effect a change in them, they will have changed you.

For my own part, I should deem it a subject much to be regretted if our country, through necessity, should be compelled to pursue the course pointed out by the honorable gentleman from Pennsylvania. I believe this Government to be dependent on our habits and manners; the virtue of our people results from their independent situations; the moment you make one-half of the nation manufacturers you destroy that independence, and consequently impair their public virtue. Look at the manufacturing institutions in Europe; do those employed in them compose the materials for freemen? Do they possess that intelligence, virtue, or public spirit, which would make them the safe depositaries of the powers of the Government and the rights of the nation? No, sir, whenever we become such a people, the bands of Government must be drawn tight. Energetic laws, inconsistent with the genius of a free Constitution, must be adopted to rule us, and the principles of liberty will be overthrown. When I speak thus, let me not be understood as including in my remarks domestic and other manufactures made in our country, they will and ought to exist; but I speak of great manufacturing establishments, where thousands are dependent on the will of a few great capitalists; it is in such a state of society that the Government must of necessity become the mere shadow of freedom. Some gentlemen have intimated that we ought to carry the non-intercourse system into effect; what I have already said will equally apply to this part of the subject. The people will have commerce—their habits and interests lead them that way, and nothing but imperious necessity will drive them from it. It must be a combination of circumstances, and not the dictums of legislation, that will induce them to relinquish it; hence, such a system as the non-intercourse will not be obeyed. I have attempted to show that it is inexpedient to go to war; that our pursuits and interests require foreign commerce, and consequently that the non-intercourse system is incorrect in principle and impracticable in practice. Is it proper, then, to adopt the system recommended by gentlemen on the other side of the House; to permit the belligerents to participate to the utmost extent in that commerce, which I have attempted to show to be necessary? Does even liberality dictate to us, when we have receiv-

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ed nothing but injustice from foreign nations, that we should open our ports to the admission of their vessels? I presume, sir, our duty requires that we should make that commerce which we must have, as beneficial to our people as is in our power, and that can be effected only by throwing the whole benefit of our commerce and the navigation necessary to carry it on into their own hands. If this question was presented, clear of the shackles which gentlemen have hung upon it, there is not an American who would say that the profits of our navigation, under existing circumstances, should be divided with foreign nations.

But it is said that the plan proposed is impracticable, and that it is therefore improper to adopt. Let me here observe that, whatever may be the effect of this bill, we cannot be in a worse situation than we are now. If Great Britain should retaliate to the full extent, we shall just be where this bill found us; and such an event would only prove what we have frequently experienced, that a measure intended to produce good has produced none. It will produce no evil. But I shall attempt to show that retaliation or correspondent restrictive measures are not to be apprehended on the part of England. If she countervails, her restrictions will be in one of three ways: 1. By interdicting our vessels from entering her harbors. 2. By permitting us to take away her manufactures and productions in our own vessels, but preventing them from importing into her dominions in Europe the products of the United States, establishing places of deposite in her American colonies, where they would be received. Or, 3. By discriminating duties.

It is a principle that cannot be denied, that nations, like individuals, are generally guided by their interests; and, perhaps, no nation understands better how to promote hers than Great Britain. In anticipating the course which she will pursue, in relation to this measure, it is important to know what effect any given project will have upon her interest; for, although she may sometimes sacrifice her interests to her pride, yet this is not the general course of things. If she should adopt correspondent countervailing restrictions to the full extent embraced by this bill, it will establish a complete non-intercourse between the two nations, not effected by our measures, but dependent on her will and consummated by her act. Is it the interest of England to effect this object—or is she not very much interested in preventing it? She aims to become the manufacturer of the world, and to carry her commerce to every region. It is indispensably necessary, to enable her subjects to bear the burdens imposed upon them, that there should be a brisk circulation of their capital, and that no part of it should be unemployed—for the moment that is the case, you deprive the capitalist, and all dependent on him, of the means of paying their portions of the public contributions. Our imports from England and her dependencies, before the embargo, I presume, amounted nearly to forty millions of dollars. Would the deprivation of a market for her

manufactures, to that amount, not seriously affect her interest? I answer, it cannot be denied. It is, however, said, she will depend on smuggling her goods into this country. This, to a certain extent, is unquestionably true; but it is equally true that the importation of English goods will be much less during a period of exclusion than in the same period when the importation is freely permitted. Although some may violate the law, all will not. The honest merchant will not employ his capital in smuggling; and as the whole mercantile capital is, perhaps, but equal to the ordinary amount of importation when unrestrained—it follows, that a portion being withdrawn from that object, it must necessarily create a correspondent diminution in the importation, or British merchants must confide their goods to persons unworthy of credit. Besides, if these difficulties shall be thrown in the way of a direct and fair commerce on the part of England, many of our citizens would naturally incline to purchase less of the luxuries, and provide themselves, from their own domestic resources, more of the necessities of life. These causes would tend, very much, to diminish the importation of British manufactures.

But, it has been said, Great Britain will adopt the second expedient, which I have stated, by which means she will become the carrier of our raw and bulky produce, which requires much tonnage, and leave to the American shipping the carrying of her manufactures, which requires comparatively but little. Her interest is equally opposed to the adoption of this system. The American produce by this means would, after at least one reshipment, find its way, by a circuitous voyage, to the British dominions in Europe. The expense and uncertainty of such a trade must greatly lessen the price to the grower, and deprive him of a portion of the means to purchase English goods. The freight of a cargo of British manufactures would be double its ordinary amount, as every vessel must sail from this country in ballast, and consequently the price would be greatly enhanced to the consumer. This again would lessen the consumption, as it must be a conceded point, that, in proportion as any article increases in price, in the same proportion the amount of consumption decreases; those who are still able to purchase will do with less, and many who before were able to purchase are disabled by the increased prices. Discriminating duties on our domestic produce, in the ports of Great Britain, would have precisely a similar effect with the countervailing principle I have just considered. They must either fall on the British manufacturer, or on the goods he manufactures, or on the American grower. I am inclined to think they would, in the first instance, fall on the latter, until he would be induced, for want of meeting with liberal prices, to produce less of the articles of which Great Britain stands in need, or manufacture, out of his own materials, those articles in his own family, which he was in the habit of purchasing. This would diminish the competition in the English markets,

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the consequence of which must be an increase of the prices of our produce; this would affect the manufacturer, by diminishing the wages of his labor or enhance the price of goods. In any event, however, the British manufacturer and merchant must be very much affected, either directly by lessening their profits, or indirectly by diminishing the consumption, which keeps a portion of their capital and hands unemployed, and terminates in the same result. Besides, it may truly be said, that all these dreaded countervailing restrictions would operate as bounties to the domestic manufactures of the United States.

This bill has been attacked as a measure of submission. I cannot view it in that light. If it is a measure of submission, you long since submitted. It is enough, to say, however, that it does not contain a stipulation that nothing else shall be done; we are not yet arrived at the point when stronger measures are necessary. The President has told us that the door of negotiation is still open. I view this as a policy to regulate our commerce until circumstances shall require something further.

On the other hand, this bill has been stigmatized with the odium of the embargo and non-intercourse. It does not possess a single feature of either. What were they? They were restrictions on the enterprise and industry of our own citizens, and not of foreigners alone, and on that ground they were objected to; but there is no such restriction in this bill; our own citizens may direct their enterprise to every quarter of the globe.

But that part of the bill which prevents the importation of foreign merchandise, except directly from the place of their growth or manufacture, has been considered as restrictive on the enterprise of our own citizens. Generally speaking, I presume every merchant consulting his own interest, in order to enable himself to come in competition with others, will prefer importing his merchandise directly from the place of its growth or manufacture. It will moreover be observed, that this part of the system is necessary, to give effect to other parts; for without it, there would have been an invitation to England to adopt counteracting restrictions. It is merely auxiliary to the provisions contained in the third and fourth sections of the bill, and although in a few instances it may be injurious, yet it is correspondent to the general course of trade and the interest of the merchant, and partial and minute inconveniences ought not to be brought in opposition to a measure calculated to promote the general good. It appears therefore to me that this bill, which leaves commerce unrestricted, so far as the interest of our merchants is concerned, which prohibits the participation of foreigners, who have injured and insulted us, and which their interests forbid them to countervail, ought to pass.

It has been objected to this bill that it will induce England to perpetuate her Orders in Council. If this conclusion is correct, it is certainly a very strong argument against its adoption, provided gentlemen could prove that if this measure

be not adopted, she will rescind them. But we have positive proof to the contrary, in the repeated declarations of that Government. You have heard it very recently from her Representative, in an official form, that the object of the Orders in Council must be effected in some way, either by conventional stipulations or by their own operation. The argument then is reduced to this shape; without this bill you have the Orders in Council certainly, with it you can only have them. This I consider an answer to the only objection urged by the honorable gentleman from Maryland (Mr. KEY) for certainly to make his argument impressive he ought to have shown that England without this bill would find it her interest or policy to repeal the Orders in Council. This argument therefore has no effect on my mind. Indeed the strongest objection that I have heard to this bill is, the possibility of Great Britain adopting countervailing restrictions. These I have endeavored to show it will not be her policy, because it is not her interest, to adopt. And I think it has been clearly demonstrated by the honorable member from Maryland (Mr. KEY) that we need to be under no apprehension on that score.

Under every view of the subject, it appears to me that this measure ought to be adopted. If measures of defence shall be necessary, I shall unite in them, and this bill will not prevent their adoption. Unless you intend immediately to proceed to war, this bill will not interfere with any other measure. For my own part, I am unwilling at this time to proceed to extremities; our true interest is in the continuance of peace.

Mr. SAWYER said he did not rise at this time for the purpose of detaining the House, but merely to answer one or two interrogatories that had been propounded to him by the gentleman from North Carolina (Mr. MACON.) That gentleman has repeatedly asked how this bill is submission more than the embargo and non-intercourse? The answer is easily made. The embargo spoke to this effect: Rather than submit to your Orders in Council, we will abandon the ocean entirely. You shall not find one of our ships as a subject on which to gratify your insatiable thirst for plunder. What did the non-intercourse say? We will have no communication with a Power so lost to the principle of honor and justice as you are. We will abandon your ports, and you shall abstain from ours, as long as your obnoxious edicts continue. But what does this bill say? We take you at your offer. We confess we were wrong in our former measures against you, (for if we are right now we were wrong then;) we will accept the conditions you are pleased to prescribe, that we shall only go to such markets as you allow, and notwithstanding your orders are still in force, we will renew a friendly intercourse with you. We don't offer to resist, we don't even protest against your unjust pretensions; but we throw open the whole of our commerce, without the guarantee of a single gun, to the full application of your detested principles. We will forget the past; we take you by the hand, although it is still reeking with the blood of Pierce and our

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slaughtered seamen, and although every other civilized nation shrinks from the pollution of its touch. We feel for the desperate situation to which you are reduced by being deprived of your European markets; and although you have added to a long catalogue of injuries and insults an instance of the blackest treachery, yet we will open our market for your goods; we will supply you with the means that will enable you to continue still longer your career of oppression over us. I would have been spared the odious task of showing how this bill is submission, wherein it is different from the non-intercourse and embargo, for it recalls sensations by no means pleasant to me, and if the gentleman cannot see—if he cannot feel the difference, I can assure him, I do both, but too sensibly. But we are denounced as a war party. As for myself, my sentiments are well known. I was never afraid to avow them openly. But do not accuse us of a disposition for war, for recommending such measures as may protect our property at sea from lawless plunder. I think the charge may be retorted upon those that are emphatically styled the peace party among us. For, by tamely submitting to the aggressions of England, we encourage her to carry on her underhand system of war upon us; whereas, if we were to come to a stand and resolve to resist every future attempt, she would cease her piratical practices towards us. She would not involve herself with the only Power that has not taken side against her. She would respect the sacredness of a ship of war. She would consider all vessels sailing under the lawful protection of her flag as hedged in by a kind of magic wall, which she could not overleap without an open act of war, and it is not her policy to commit an unequivocal act of war. But, to afford this rational protection to our vessels, in a trade acknowledged on all sides to be legal, is war! Then, I suppose, quietly to submit to their being plundered is peace. It is no war in them to seize our vessels illegally, but it is war in us to prevent it if we can! Did ever any one hear the equal to that? But the people are able to judge who are the favorers of war and who the real friends of peace, and as they will decide from the conduct and not from the professions of gentlemen, I am willing to abide their decision.

Mr. KEY gave reasons why he should vote for the bill.

The House adjourned without putting a question on passing it to a third reading.

WEDNESDAY, January 24.

On motion of Mr. NELSON,

Ordered, That the several memorials and petitions of the officers of the late Revolutionary army, presented in December, one thousand eight hundred and eight, and January, one thousand eight hundred and nine, be referred to Mr. NELSON, Mr. WINN, Mr. WILSON, Mr. DESHA, and Mr. HUFFY, to consider and report thereon to the House.

Mr. BASSETT, from the committee appointed on the seventeenth instant, presented a bill for

incorporating the Protestant Episcopal Church of the town of Alexandria, in the District of Columbia; which was read twice, and committed to a Committee of the Whole on Monday next.

The bill from the Senate, entitled "An act authorizing the fitting out, officering, and manning, the frigates belonging to the United States, was read twice, and committed to the Committee of the Whole to whom is committed a report, in part, of the Committee of the Naval Establishment of the United States, on the expediency of putting into actual service any part of the naval armament not now employed.

The following letter was received from the Secretary of the Treasury:

TREASURY DEPARTMENT, Jan. 20, 1810.

SIR: I have the honor, in obedience to the resolution of the House of Representatives of the 8th instant, to transmit copies of the only general instructions to the collectors of customs, to be found in the records of this Department, relative to refusing clearances to any private armed vessels of the United States. By the first, bearing date April 8, 1797, it is directed "that the sailing of armed vessels, not *bona fide* destined to the East Indies, be restrained until otherwise ordained by Congress." Although no instructions of a prior date to that effect appear to have been given by the Treasury Department, it is understood that this regulation only confirmed what had been the previous general practice. And it has ever since been considered as being in force, except when superseded for a time by the temporary instructions of the 21st of March, 1798, herewith transmitted, and during the continuance of the acts of Congress of the 25th of June, 1798, and of the 3d of March, 1805; the first of which expired on the 3d of May, 1802, and the last on the 21st of April, 1806.

I have the honor to be, &c.,

ALBERT GALLATIN.

AMERICAN NAVIGATION ACT.

The House resumed the consideration of the bill concerning commercial intercourse, &c.

Mr. DESHA said it was with extreme reluctance that he attempted to address this House; but, said he, my not having taken up very much of the time of the House in observations heretofore must plead my apology for the time that will be consumed by the few remarks that I am now about to make. Considering that the present time will be marked as a critical juncture in the annals of America, I deem it particularly incumbent on every man, who has any pretensions to friendship for the American Government or to civil liberty, not to hesitate in coming forward and throwing in his mite, in order to assist in extricating his country from the evils that attend it, or to guard against the perils that await us.

I should not have come forward at this time and risked my opinions had it not been for the apparent tardiness of old, experienced members, in whom I have always had the highest confidence, and whose opinions on important subjects have always had due weight with me. I had flattered myself that they would have taken an early opportunity in coming forward and expressing their views as to what would be proper to be

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adopted at this eventful crisis—a time, sir, when not only our most important and inherent rights are about to be wrested from our hands, but when the very existence of our independence is endangered. I have been disappointed, and as this is not the time to slumber at our posts, I shall be pardoned for offering my views.

Sir, it is unnecessary to take a lengthy retrospective view of the wrongs committed on our rights by the two principal belligerents; they have been almost numberless, and of the most glaring kind. France has trammelled our commerce, by her Berlin and Milan decrees, and sequestered our property. She has committed many outrages on our rights; but I differ with gentlemen in supposing that if we are forced into a war with England, that we would be necessarily forced into the arms of her rival. No, sir, if that should be the result, (which I think from present appearances more than probable,) I should be for keeping up our restrictions, and having no connexion with her until ample reparation was made for the damage she has done us. But, sir, from our situation, and the convulsed state of the European world, I think we have nothing to fear from her like subjugation. I say, sir, the enormities committed by France and England on American rights have been considerable; and I appeal to gentlemen's candor to say whether this measure now under consideration is the one calculated to meet the emergency. Is there any appearance of resistance in it? Is it calculated to coerce our enemies into a sense of justice, and bring about restitution of damages? Is it not submission? In my estimation it is tantamount; imbecility is marked on its face. Has not one of the most prominent characters of the Committee on Foreign Relations. (Mr. TAYLOR,) and who appears to be a warm advocate for its adoption, openly acknowledged it to be submission in this House, but qualified it by saying, that it was a profitable subject, as it would bring money into our Treasury? Sir, is this House (after the repeated declarations, by a very large majority, on a former occasion, that there were but three alternatives, embargo, war, or submission) prepared to adopt this measure, when one of the principal fabricators of the bill openly acknowledges it to be submission. Now, sir, can gentlemen of this House reconcile submission to their feelings. If they can, the freemen of America will not.

Sir, France has injured us much, and I believe nearly all she had in her power; but it is as a mite to a mountain, compared to the injuries we have received from Britain, our inveterate, rapacious, and relentless enemy. The aggressions committed on our rights by her ever since about the year 1793, have been numberless, and, as to point of turpitude, without a parallel, even in the times of barbarism—the spoliations committed on our neutral commerce, the murder of Pierce, the sham trial of Whitby the murderer, and the impressment of our seamen, have become old subjects, and might be deemed useless to recapitulate. Those enormities which, in all probability, have been gotten over by barely remonstrating, had it

not been for the commission of still greater enormities, occasioned by our passive disposition; for, it is with Governments as it is with individuals; if a spirit of resentment is not manifested for injuries, they will press forward. The persisting in the principle of impressment, and the alarming increase of that execrable practice, by which thousands of our countrymen, real born Americans, have been forced into their service, at the point of the bayonet, compelled to assist in fighting for the support of principles repugnant to the feelings of freemen, and in case of a show of unwillingness to obey, were liable to the lash, or to be buffeted and kicked by every petty naval officer:—Yet, sir, this outrage upon right, upon humanity, we have borne, I won't say with christian fortitude, but rather with stoic philosophy. Yet, sir, this conduct of the common enemy, so far from being reprehensible in the eyes of some among us, has been measurably justified as being considered necessary for the support of the British navy, the rampart that stands between the tyrant Napoleon and universal empire; consequently calculated to prevent the subjugation of the United States. Anti-American doctrine, sir! Well, sir, if the impressment and incarceration of our countrymen were not objects worthy of notice in any other way than by remonstrance, if we could tamely look on and see our fellow men inhumanly wrested from their country, their families, and dearest connexions, could we reasonably calculate upon anything else but additional encroachments; could we reasonably suppose they would stop here? No, sir, we ought not to have been so credulous. No, sir; that Government, that in all cases substitutes power in place of right, has never pardoned our independence, and are determined by their insidious machinations and monopolizing spirit, to subdue the national pride, the pride of freemen, that characterized our ancestors. Yes, sir, they are determined to obtain, by their insidious arts, what they were not able to retain by arms. Well, sir, what comes next upon the list of atrocities? Human butchery. They were not satisfied with the murderous transaction, the case of Pierce, as they discovered that (notwithstanding we were bowed down by oppression) we could still bear more; but our innocent and unsuspecting countrymen on board the Chesapeake, must be the next victims marked out to exercise their cruelties on, where several were wantonly murdered, some wounded, and others impressed; one of whom was afterwards wantonly, inhumanly, and in cold blood, put to death, to fill up their measure of guilt. A universal burst of indignation manifested itself from one end of the continent to the other, British partizans, torics, and refugees, excepted; some of whom had the hardihood to go all lengths in justification of this atrocious massacre. A spark of the fire of '76 was lighted up, but soondied away; demands of reparation proved fruitless. The outrage has never been atoned for, but, on the contrary, the offers made as reparation for the hostile act have only been adding insult to injury.

This nefarious atrocity, the attack on the Chesapeake, and the memorable Orders in Council laying the transit duty, or more properly speaking, making us tributary to them, which, if not officially known, was anticipated through the medium of the public prints, produced the embargo, of famous memory, as the gentleman from New York (Mr. GARDENIER) ironically speaks of it—a measure of all others the best calculated to suit our peaceful purposes, to coerce our enemies into a sense of justice, and bring about restitution for damages; but in consequence of the hue and cry raised against it from one end of the Continent to the other, by the opposition to Administration, perhaps instigated in many instances by British emissaries, which occasioned the many wanton violations of the law, and which caused the Eastern friends to Administration to take the alarm, and quiver like a reed in the wind, and determine upon its removal, substitute or no substitute, I believe the consequence was, that the friends to the embargo—those that were not only willing but anxious for its continuance a while longer, and to adopt the necessary regulations for its enforcement, believing that if a fair experiment could be made that it would unquestionably produce the desired effect—when they discovered that if those that took the alarm were added to the Federal party in the House, they formed a majority, it was deemed advisable to form a compromise, that if they could not retain what was essentially right, to take the best they could get, rather than implicitly submit to the iniquitous and destructive measures of our enemies—the non-intercourse was then substituted. This, sir, if not efficient as a coercive measure, in consequence of the partial manner in which it has been enforced resulting from the clauses being repealed (after Erskine's arrangement) calculated to carry it into effect, and the consequent violations of it by mercantile cupidity, was at least a resistance to oppression; and held out an idea to the world that we were determined to adhere to the declarations we had so repeatedly made, that we would not submit. If this measure had been properly enforced, it would have come up to the expectations of its most sanguine friends. This system was laid aside in consequence of the arrangement entered into by the British Government, through their Minister, Mr. Erskine, with the American Government, for an amicable adjustment of differences, with offers of reparation for damages. How lovely to the ears of Americans sounded the news! It appeared like a kind of political jubilee. In their estimation the time was not far distant when commerce would flow unshackled; when every man might in safety sit under his own vine and his own fig tree. But mark the perfidy of that corrupt Government! After they had obtained a sufficiency of the American productions which they so much stood in need of, they declared the arrangement entered into by their Minister, to be unauthorized!

Mr. Speaker, is there a crime which can be perpetrated for which ready precedents cannot be found in the conduct of that perfidious Government to-

wards America? Sir, the faithless conduct of this rapacious and tyrannical Power caused the non-intercourse to be reinstated; but this system appears now to be abandoned by its friends, without even having given it an experiment, inasmuch as the sections of the law calculated to enforce it were repealed at the Summer session. When it was adopted, it was the opinion of a very large majority of this House that it was an efficient coercive measure; it was then calculated to answer every purpose, to coerce our enemies into a sense of justice, to bring about reparation for damages, and to place commerce on an equitable footing. It is now given up by its friends, without ever having given it a fair experiment, which proves to my mind a wayward disposition, a want of firmness in the majority. Sir, you suffer yourself to be driven from place to place, to be bandied about by the Federal phalanx, that for many years have been placed in hostile array against the Administration. Yes, sir, they drove you from the embargo; they are now about to drive you from the non-intercourse; and, sir, they will next drive you from your seats, unless you act with more firmness and energy. Adhere to your non-intercourse; the power that enacted it unquestionably has the power to amend it. I am satisfied that, if the proper steps were taken, it might be made measurably efficient as a coercive system, consequently a saviour of national honor.

Next comes on the carpet the famous Mr. Jackson—selected, I presume, in consequence of his eminent services at Copenhagen. Both the selection and his subsequent conduct add insult to injury. And, sir, I regret to have seen that he had apologists on this floor; I regret to have seen men, that call themselves Americans, stand up in the face of the nation and justify the indecorous and impertinent conduct of this Copenhagen champion. Sir, had those gentlemen exerted their ingenuity to so great an extent in defence of their country's rights, in justification of the open, manly, and spirited conduct of the Executive, as they did by their sophistical, fine-spun arguments and special pleadings, in order to screen this legalized spy from censure, and to exculpate the British from the charge of perfidy so justly attached to the disavowal of Erskine's arrangement, they would have deserved well of their country; they would have received the universal plaudits of all true Americans. The cry would have been, Well done, thou good and faithful servant! But, sir, they have drawn the line, and he that is not for me is against me. I should not be surprised if they were to meet the indignant and universal frowns of all true Americans.

Well, sir, what have we obtained through all this scuffle? Nothing but losses, crosses, disappointments, and insults, have been the result; yet, agreeably to the doctrine of some gentlemen, we have no cause for war; and I am not certain, if I might judge from what I have seen and heard, that that nation could commit an act, be it ever so oppressive and glaringly reprehensible, that would be deemed a cause of war by some gen-

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tlemen. It has been repeatedly said on this floor that the embargo, this political hobby-horse that the Federal party expected to ride to power, has brought ruin on the country; that it has been as destructive as the devastation of war. I acknowledge that it has been sensibly felt in many parts of the continent, but it was principally among the farmers and mechanics; yet they bore the privations consequent on our situation with manly cheerfulness. The losses that happened among the agriculturists have been almost incalculable; yet they bore it with fortitude rather than truckle to those lawless depredators. But, sir, I am afraid this is an inauspicious time. I am afraid we are about to give up by a false step that national respectability, and with it liberty and independence. For, sir, if you won't defend your rights, but will surrender them at pleasure, your independence is not worth a straw. Yes, sir, I am afraid we are about to abandon national honor—pusillanimously to give up important rights, which were obtained by the blood and heroic exertions of our ancestors, and handed down to us in their purity, and which it is a duty incumbent on us to transmit to posterity unsullied; or why that apathy in not resenting, with becoming dignity, injury and insult, and apply the proper corrective energetically? Sir, I beg gentlemen to pause, to look well before them, as one false step might sink them into the ditch of degradation, might leave a stain on your national character that time would not obliterate—for, the moment that you retrograde or abandon the stand Government has taken, that moment you shake hands with infamy—crime will become familiar. Government ought to deliberate maturely before they take a stand; but when that stand is taken, it ought never to be abandoned while they have the power of resistance. We have the power, we have the resources. And, sir, I have no hesitation in saying that our countrymen possess the valor; then why not prepare to exercise it in defence of our inherent rights? Why suffer some of the important appendages and immunities attached to Government to be wrested from our hands with impunity? Will not pusillanimity attach itself to this kind of conduct? Believing, as I do, sir, that we have nothing to expect from a Government that is ever prepared to flatter, and ever prepared to defraud, and when ready precedents may be found to sanction the most glaring enormities, I deem it advisable—yes, sir, essential—to prepare for the worst; for, in my mind, it is almost inevitable that our difficulties will eventuate in war, unless we are determined on submission; and to say the best of the bill under consideration, it is backing out, tantamount to submission. Sir, we have been struggling for a series of years against oppression, as cruel as absurd. We have seen that it was not in the fortuitous accidents of the times that our troubles had their origin, but in a systematic hostility manifested ever since America obtained her independence. Sir, perilous times, like the present, is not the time for Americans to be backward in speaking their sentiments; it is not only the time

to speak out, but to act with energy and decision, unless we are determined to barter our national character for a poor, shackled commerce, or in other words, for pecuniary interest, brought about by mercantile cupidity. In a word, we must lay aside our temporizing and prepare for war. I repeat it, sir, you must prepare for war, if you expect peace or justice. Immediate war is not my meaning; my meaning is, sir, that we should make the necessary preparations to meet the event, believing that our differences must inevitably eventuate in a struggle. And, sir, when I speak of preparatory measures, a large regular army or an expensive navy is no part of my meaning. We may with safety confide the honor and welfare of the nation to the national militia or volunteers, and in case it should be found necessary to oust our common enemy from their North American possessions, the latter will be all-sufficient, and finally will be the means of conducting valor to victory. And, sir, in an army of this caste, composed of the yeomanry of the country, no danger is to be apprehended from the machinations and intrigues of designing demagogues; love of country can never be eradicated from their hearts.

Mr. Speaker, I venture to pronounce that your embargoes, non-intercourse, or commercial restrictions, that are now under consideration, (which, instead of resistance to oppression, have not only humility but imbecility depicted in their countenance,) or any countervailing decrees that you may adopt, will prove measurably inefficient as a coercive system. While the British have possessions contiguous to the United States, it will be difficult to enforce them; they will be unavailing. The quack may talk of a cure, but the disease will continue to burn like a covered fever until the cause is removed. I repeat it, sir, your countervailing regulations will be unavailing while the British have Canada or a Nova Scotia on the Continent of America. You must remove the cause if you expect to perform a cure. Then why hesitate? Why not make preparations to meet the event that in all probability must happen, and I am afraid at no very distant period? And, sir, independent of these considerations, they will always have it in their power to keep up party strife in the country, by blowing the flames of disaffection. Whereas, on the contrary, if you determine on this point, their emissaries, that it is presumable are placed in all the principal seaport towns, for the purpose of fomenting division, and diffusing their baneful principles, will, in case of a struggle, find their situation extremely uncomfortable, and will retire with their Pandora's box—their echoes that they leave behind will become cautious—they will find it their interest, instead of reviling Government, to either join the national standard or to be neutral, lest sanguinary vengeance should be the result. Then, sir, why hesitate in striking at the root of the evil? Why not take preparatory steps, in order that the measures may be commensurate to the end? It is not, sir, because I think we want territory, that I would recommend preparatory

measures to meet this event; no, sir, we have a sufficiency of territory; but it is because I think we need not calculate on a redress of grievances without the adoption of it, or something calculated to operate on the fears or interest of our enemies, for certainly we have seen enough to convince us that we have nothing to expect from their justice.

I will be told, no doubt, that the taking of Canada will be an arduous undertaking; that it will be attended with the loss of blood and treasure. Sir, I acknowledge that it will be attended with, perhaps, both the loss of blood and treasure, and there is no man that would be more cautious of the blood of his fellow-men, or the expenditure of treasure, than I would be; but, believing as I do, that there are no means which we have in our power to adopt, so likely to insure success in bringing about reparation for damages, and placing commerce on reciprocal footing, as much as I regret the necessity of being forced into this alternative, I will encounter it; I will make preparations to meet the event, believing that, or submission, to be inevitable. Sir, my voice has heretofore been against war, I was for making it the last alternative, so as to preserve national honor. But, sir, when that is to be the sacrifice, I will say, war. And sir, I am satisfied there is patriotism enough in the country to meet danger in the most frightful shape, rather than truckle to any tyrant, and particularly our deadly foe—the opinion of the gentleman from Virginia (Mr. SHEFFER) to the contrary notwithstanding, who insinuates that they would not support you in war, if you touch their pockets; at least, I can, without hesitation, vouch for those that I have the honor to represent, they possess patriotism, and are ready to encounter any difficulties rather than the honor of the nation should be compromised. And, sir, it is not of the fair-weather kind of patriotism, it is of a kind calculated to stand the most stormy seasons. And, sir, I believe I speak the sentiment of Kentuckians generally. I trust in God, that, if we should betray the trust reposed in us by not taking the necessary step to vindicate our honor, and to prevent important appendages necessarily attached to Government from being wrested from our hands, that the people, in whom the power rests, will apply the proper corrective. Sir, the eyes of the nation are upon us; they expect something from us; our conduct will be particularly scrutinized; and, should we act so unworthily as to suffer our rights and national character to be prostrated, we may expect to be hurled from our seats with ignominy, and have to encounter the indignant frown of an enraged people. As to the expenditure of treasure, that seems to create so much alarm in the minds of some gentlemen, when it comes in competition with the national respectability, or the good of the community at large, it ought to be placed in the back ground, to be deemed but of secondary consideration. We never can be at a loss for resources while love of country prevails—all deficiency will be made up without the necessity of resorting to internal

taxes, as some contemplate. The ousting of tyranny from the North will be productive of good in another way. Immense sums have been expended; yes, I may say millions, in fortifications, in our ports and harbors, for the defence of our seaport towns, and millions more, no doubt, will be expended in the same way, if we persist in our present policy. Whereas, if you deprive your enemies of a safe port or harbor on this continent, it will be next to impossible to suppose that they can take a voyage of three or four thousand miles, and hover on our coasts, in order to bombard our towns, without having some place to refit in before they return. I shall be told that it would be unsafe to connect those people with the United States; that it will have a tendency to distract our national councils. Sir, I wish not to try the experiment, if it can be avoided; I wish to make it the last resort; but, admitting we are necessarily forced into this measure, I should not apprehend any material injury could result from it. Those people are, like all other mankind, fond of civil liberty; and, I presume, they are not in a state of barbarism, perhaps not more so, than the Americans were at the commencement of the Revolutionary struggle, or when we got clear of the shackles of despotism. Sir, I make no doubt, if you, by proclamation, declare your intention is to give them civil liberty, to emancipate them from their chains, and to suffer them to participate in Government, but they will rally round your standard by thousands, that the country will be nearly self-conquered. And, sir, the same objection would have applied with equal force to the Louisianians, at the time of the acquisition of that country, for it is presumable that those raised under British despotism are as enlightened, and, perhaps, as capable of enjoying civil liberty, as those raised under Spanish despotism; and, sir, the objection might be obviated by suffering them to remain for some time as territorial governments, and the adoption of mild and lenient laws, for their government, calculated to endear them to your policy.

Mr. Speaker, as to the first two sections of the bill now under consideration, that go to the exclusion of foreign armed vessels from our waters, I am an advocate for, and were they not coupled with such exceptionable matter, I should, with cheerfulness, give them my support; for I hold it as correct doctrine, that foreign armed vessels ought never to be admitted into our waters, unless we had a navy able to cope with them. But enough has been said on that head. A reference to the Journals of the Summer session will show that I stood in the minority of fifteen to one hundred against the admission of armed vessels into our waters. The balance of the bill, the eleventh section excepted, goes to the depriving our enemies of a part of the carrying trade. Now, sir, how will this operate, if they choose to countervail? They can make Halifax the port that you are to carry the American productions to, and make it the place of exchange; which you will agree to, if I might judge from the course you are now pursuing, where you will receive their manufac-

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tures, and they your productions; then you will have only the carrying to Halifax, and they will have it from thence. And, sir, with their ascendancy at sea, they have the power to enforce it; and, sir, what then will become of your carrying trade, for which you are now making so great a sacrifice? But, sir, take it for granted, as some suppose, that they will not countervail—are not gentlemen apprized, that not more than about one-fiftieth part of the tonnage is carried in British bottoms? Do not gentlemen know that the British merchants are a cool, calculating people, much attached to interest, and that nearly all the exports from Britain to America are shipped in American bottoms, owing to the difference in duties? Now, sir, I appeal to gentlemen's candor, to say if they really think, that to obtain the carrying of about one-fiftieth part of the tonnage is worth making such a sacrifice for—the repealing of the non-intercourse, the only thing that stands between America and disgrace—national degradation. This measure might perhaps do for a permanent arrangement, or, at least a part of it; but not as a measure of resistance—the eleventh section repeals the non-intercourse. Sir, if you are determined not to advance, in the name of God, keep your ground. Do not, by an incautious step, suffer your national character to dwindle into insignificance. Suffer your non-intercourse to continue; if it is defective, amend it; you have the power. Stop the holes in it, and prevent the mercantile eels from slipping through. If this cannot be done by paper regulation, turn the energies of Government towards enforcing it. Do not suffer your inherent rights to be wrested from your hands with impunity, and your national honor to be prostrated at the feet of intrigue and rapacity. Sir, let it be remembered that I am in favor of adhering, systematically, to the non-intercourse, at least for some time, and rigidly enforcing it, with confidence, although it may in some instances be violated, that it will produce the desired effect. But, in case it must fall by the voice of a majority of this House, my view is, that an embargo be laid for sixty days on all ships and vessels in the ports and harbors of the United States. Some gentlemen, over the way, seem to raise their heads at the name of embargo, I suppose they will consider it a crime equal to sacrilege. But, sir, what my duty impels me to, I trust I never shall shrink from. This measure I deem necessary, as a precautionary one, to call in our floating property; that the President of the United States be requested, for I presume, if we are not the treaty-making power, we have the right to request, to send despatches to our Ministers in France and England, with the ultimatum to be laid before the British and French Governments, peremptorily demanding a redress of grievances, and in case of a refusal, that our Ministers be recalled; that the President of the United States be authorized to accept, for one year, the service of forty thousand volunteers, and in order to facilitate the procuring the men, that they be allowed a small bounty in land or money, in case of actual service; and, in case our last demands

should not be acceded to by a revocation of their orders and decrees, as far as respects American commerce, the restoration of American seamen, and reparation for the outrage on the Chesapeake, &c., that measures should be taken for ousting the British from their North American colonies, and that general letters of marque and reprisals should be granted against both France and England; for, sir, I consider that the time is fast approaching, and I fear, at no distant period, when we will have to choose between war or submission. And, as the American freemen are not prepared for a state of vassalage, the latter will be spurned at. Therefore, ere long, you will have to lay aside your paper war, your war in words, and adopt something more substantial in lieu of it; in short, you will have to lay aside your temporizing and take to fighting, or become a degraded people.

Mr. Speaker, I confess that I should have been at a loss to know how to reconcile the observations of the gentleman from North Carolina, (Mr. MACON,) had it not have been my recollecting his frequent declarations, that a man has a right to change his opinion as often as he pleases. He says, the Committee of Foreign Relations, of which he was the chairman, who fabricated this bill, must have been very unfortunate, indeed, if they had happened to have blundered on marque and reprisals. I differ with the gentleman; I think they would have been fortunate; they would have proved that they possessed the true American spirit; that they were not disposed to suffer themselves to be kicked and buffeted, and treated with every kind of indignity with impunity, without showing a becoming spirit of resentment. And, sir, I have no doubt, considering the weight of character of the committee, if they had recommended it, but they would have been supported by a considerable portion of the House, and nine-tenths of the nation. And, sir, it would have comported with not only his patriotic declarations of last winter, when he came forward with a strain of patriotic truisms, not only calculated to do honor to himself, but to affect his hearers, but his vote—for, if I mistake not, he then voted for marque and reprisals, forthwith. The gentleman says he should like to have heard this talk of energy, when the Chesapeake was attacked: he was then for strong measures. Has that transaction, that raised the gentleman's fire, ever been atoned for? Certainly not. But, on the contrary, the offers, made as an atonement, have only been adding insult to injury. But, wonderful! how the mighty has fallen! He now says, after acknowledging that our enemies are at war on both our men and property, that he does not care much what is done, if you do not make use of too much energy. Really, sir, if I was not apprized of the honorable gentleman's patriotism, I should have supposed he had adopted the old stale doctrine, that I had hoped had been long since exploded in this land of freedom—that of passive obedience and non-resistance.

The gentleman from Pennsylvania (Mr. SMITH) tells you this is a peace bill; that he con-

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siders it the commencement of a moderate system of measures calculated to operate on our enemies. Certainly, that gentleman has had experience enough to know that moderate measures, to Governments that have lost all sense of justice, are only calculated to invite encroachment and insult. The gentleman has seen, sir, that we have been negotiating for about fifteen years; that quirs, yes, reams, of paper, have been written up in diplomatic correspondence; and although we have always had the advantage in point of reasoning, owing to justice being on our side, together with the ascendancy of talents, yet they have carried off the loaves and fishes, and made additional encroachments on our rights. The gentleman's observations of last winter were truly American; he was then for strong measures. And, sir, has there been any relaxation, on the part of our enemies, in their destructive policy? Have we obtained any advantage? Has not insult been added to injury? But now the gentleman is for moderate measures. If I mistake not, he was then an advocate for the non-intercourse; and now he is for laying it aside before an experiment has been made on it, and for adopting this system of moderate measures. Yes, sir; it is moderate, indeed; it is easing yourself down into an abyss of degradation. The gentleman from South Carolina (Mr. TAYLOR) acknowledges, openly, that it is submission, but qualifies it, by saying that it is not more so than the non-intercourse. Sir, it is our own fault, if the non-intercourse has not been energetic; we were so much off our guard last summer, owing to Erskine's arrangement, that we repealed the provisions calculated to enforce it. Re-enact them, sir, and it will be coercive on our enemies. The gentleman qualifies it further, by saying that, if it is submission, it is profitable submission; it will bring money into our Treasury. Is this the language of Americans—to be willing to barter their national respectability, for a few cents? Sir, I trust the great bulk of the American people have not so far degenerated from the heroism of their fathers as to subscribe to this doctrine.

The gentleman from Maryland (Mr. MONTGOMERY) says, we are determined to have commerce, and, when that is resolved on, it will be defended. Yes, sir; I am afraid the determination will be a fatal one, at the expense of national honor. How defended? Has the gentleman come forward with any plan of defence? Certainly not. He must be eagle-eyed, indeed, if he can discover anything like resistance in this bill. The gentleman says, repeal the non-intercourse without a substitute, and you abandon the best interest of the country. What substitute does the gentleman mean? Certainly, he cannot be under such mistaken policy as to suppose this humiliating measure a substitute for a system, that, not long since, he conceived to be, not only an honorable stand, but would be efficient as a coercive measure. But the gentleman tells you that if this was the only measure that was to be adopted, to redress our grievances, he should be among the discontented. I wish the gentleman would

let us know what he contemplates bringing forward; it ought to be laid on your table before we take a vote on this bill, before we repeal the only thing that stands between us and disgrace. No, sir, I am satisfied, from the apparent political torpor that pervades the House, and from a disposition I have discovered of laying on our oars, that if this is adopted, which is nothing more than backing out, that we are pinned down; yes, completely anchored; and that the chapter of accidents must do the balance.

Sir, my anxious wish is to avert war; but, if we keep receding, we must calculate on additional encroachments; whereas, if we form a manly stand, act with firmness, show Britain that we will not abandon our pretensions, she will recede, owing to her being cut out from all other parts of the world; she must recede, or fall.

Sir, we must act with more firmness; we must shake off that political lethargy that we have been slumbering under for some time, unless we wish to see the reign of terror again, with the alien and gag-laws, accompanied by their train of evils; for, sir, your political opponents are vigilant, and are prepared to take all advantages of your wavering policy. I applaud their management, however I may despise their political principles; they come forward on all occasions, abreast, like the Macedonian phalanx; and, sir, I fervently wish that the Federal phalanx may not be as fatal to the liberties of the American Republic, as was the Macedonian Philip and his phalanx to the Grecian Republics; for, sir, the most direful evils are to be apprehended from their thwarting the Administration, and hanging upon the wheels of Government.

But, it is said, this is an Administration measure. Sir, I have examined, particularly, the President's Message handed to Congress at the commencement of the session, and cannot see that he takes the responsibility of recommending this measure on himself; and, sir, I do not choose (much as I am disposed to support the President in all reasonable measures) to take any of the responsibility of this cobweb submissive system on my shoulders. Sir, I much regret the necessity I am under, of differing with a number of my political friends, with whom it has been my pride to act. I attribute the purest motives to them, and expect a correspondent liberality; I would make any reasonable sacrifice, but I must be pardoned when I refuse to unite in what I conceive to be degradation; for I was not sent here to compromise the honor of my country.

Sir, I have been gratified at the patient attention of the House, for which I return my sincere thanks.

MR. MUMFORD.—It was not my intention, Mr. Speaker, to have said one word more on this subject, as the motion I had made for postponement failed. I did, then, think it unnecessary to make any further observations at this time; but, sir, the time is now arrived which had been assigned for the final passage of the bill before you, and conceiving as I do, and being strongly impressed with its injurious effects, I shall not cease to oppose it,

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and should deem myself culpable of a dereliction of principle; as well as of the duty I owe to my country, not to resist its becoming a law in all its stages and meanderings. Sir, we are about taking upon ourselves an awful responsibility. On this bill turns the pivot of your foreign relations, and perhaps the future destinies of this portion of the new world. While I shall impute the purest motives to those with whom I may differ in opinion on this question, I hope a correspondent liberality will be extended towards me. No man respects the opinions of the honorable chairman of the Committee of Foreign Relations, on many subjects, more than I do, but, in the present instance, we are wide apart. I have been led some times to doubt whether my own judgment might not have misunderstood some of the provisions of this bill, and I have endeavored to reconcile it under various shapes: but all to no purpose; the more I have examined it, the more I am convinced my first impressions were correct.

The worthy gentleman from North Carolina, chairman of the Committee of Foreign Relations, has asked me, in his plain honest way, wherein this bill differs materially from the non-intercourse heretofore recommended by me? I will endeavor to answer him in his own laconic way, that the non-intercourse of last year differs very materially from this bill, inasmuch as the gentleman says he will, by this bill, enter his protest against the tiger and the shark, (so appropriately called by himself,) while, at the same time, he is willing to supply their rapacious jaws with food to devour us. To this I never have, nor will I ever give my assent, until our rights are redressed and respected. I have no earthly interest in opposing this bill. I am no importer of dry goods; on the contrary, my property, now on the high seas, to a considerable amount, will be exposed to the very measures I recommend, which may be obviated perhaps by the passage of this bill. But I trust I am governed by far different motives; my highest ambition is to promote the best interests and honor of my country. I am no office hunter, and am sent here without any solicitation on my part. The honorable gentleman from South Carolina, (Mr. TAYLOR,) whose patriotism I have often admired, has astonished me. I understood him to have said that this bill was submission, direct, and my former project was the same indirectly, but preferable to mine, as it was a submission of profit to the Treasury. Profit is to be sure desirable, when to be had on honorable terms; but, sir, have we arrived so early to that period which the enemies of republican institutions have predicted would be our fate at a distant day; shall we suffer this miserable, avaricious, sordid, money-making system, to benumb and envelope our sense? It has been the downfall of ancient Republics, and if we do not arouse from our lethargy, it will inevitably overwhelm the last sheet-anchor of man's hopes in this world. A little more of the folding of the arms; a little more slumber; a little more money, and we are lost forever. Whether we send a little more or less lumber from Kennebunk or Saco, a little

more or less whale oil from Nantucket, a little more or less potash from New York, a little more or less flour, tobacco, cotton, and rice, from the Southern States, is, in my humble opinion, unworthy the consideration of the National Legislature, when weighed in the balance against the honor of our country. I would ask wherein does your situation now differ materially between an act of Parliament taxing your commerce and restricting it to the mother country previous to our glorious Revolution, and the present British Orders in Council? There is scarcely a shade of difference; yet, sir, with innumerable difficulties staring you in the face, you resisted with success—to honor, to glory, and to independence; and shall it now be said that a population of about two millions, without means, and with a feeble Government, asserted and acquired that which a population of more than seven millions, with a full credit, ample means, and a strong, confederated Government, hesitates to perform?

During the last Summer session, I heard no complaint of the partial repeal of the embargo; it was then, I believe, deemed a tolerable good measure, and one of the causes that contributed among others to bring about the arrangement with Mr. Erskine—no one, I believe, ever pretended that it was more than a choice of evils. But it preserved the national honor and kept the country in peace. If the gentleman from South Carolina will consent to infuse some energy into this bill, so as to protect by convoy, to all parts of the world, every species of *bona fide* American property, contraband excepted, (much as I dislike the bill,) I will vote for it—and I am the more solicitous for this course as I cannot see any other way to put down the most nefarious practices of the British merchants, who are making use of forged papers, purporting to be of American vessels, now carrying on in the city of London, under the very eyes of the British Ministry. Even your Chief Magistrate's signature, as well as the subordinate officers of your Government, have been counterfeited by those people. Of more than two hundred sail of pretended American vessels lately arrived in England from the Baltic and White Sea, it is probable that not more than fifty were *bona fide* American. It is for these felonious practices of forged papers that your citizens have been incarcerated in French prisons for violating the municipal laws of France, and from that cause principally have your difficulties arisen with continental Europe. The operation of the convoy system would ascertain to whom the vessels and cargoes actually belonged; but what is of infinitely more consequence, would prevent impressments, and insure the liberty of our citizens, at all times of primary importance—would insure an entrance into continental Europe, where your produce is principally consumed. As the officer would bear the commission of your Chief Magistrate, it is to be presumed that the continental Powers would not hesitate to put faith in his statement, that the whole of his convoy were *bona fide* American. Thus, sir, you will shut out from continental Europe the embargo

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breakers and violators of your laws, and the British and American counterfeiters, for it will naturally occur to those Powers that no vessel, merely for wearing the American colors, (which have been shamefully abused by some men, disgracing themselves and bringing a reproach on the name of that free country which gave them birth,) will be admitted without coming under protection of a ship or vessel of war under the command of an officer of the American Navy, duly authorized for that purpose. This system will be attended with inconvenience, I will allow, in some instances. But what will you do in the multiplicity of difficulties that present themselves? Turn which way you will, they stare you in the face. There is no other way but to take the choice of evils; and, under every view I have been able to consider the subject for the present, this appears to my humble opinion to be the least objectionable.

It seems that if France and England never agreed before, they now have entered into co-partnership to try and see which of them can do us the most harm. France says, if England will respect the freedom of the seas, I will repeal my decrees. England says, if France will repeal her decrees, I will repeal my Orders in Council; and while they thus appear to dispute among themselves we are the sufferers. One says, I only retaliate on France; I do not mean to hurt you. The other says, I only maintain the liberty of the seas. One robs you insidiously; the other, more open and direct, burns your property. From such liberties good Lord deliver my country!

You may repeal this bill at your pleasure; but can you repeal the Orders in Council? They are a studied system against you. This bill will furnish them with an overstocked market of our produce, (to the manifest ruin of many of your merchants,) with which they will carry on a contraband trade in their own ships to the Continent, and if you interfere, your ships will be taken in sight of their's, trading to the same ports, and condemned. Thus, they will not leave you direct, indirect, nor forced trade, with any other part of the world, but with themselves, which would soon drain you of your precious metals.

I have never advocated the cause of any foreign country, and I trust in God I never shall. My object has always been to pursue such a course as I thought would most likely promote the best interest of my own country; and I was very happy when the arrangement took place with Mr. Erskine, because it convinced my own countrymen that we were determined to settle as an independent nation with one of the belligerents; whether the other liked it or disliked it, was a matter of indifference to us. They might fight their own disputes in their own way, and we will manage our own affairs in our own way. This bill, in my opinion, is neither neutral nor belligerent; but it concedes so much to one of the belligerents, that I think it no more than natural to infer that the other will consider that you have acquiesced in their orders, and will issue new decrees, confiscating, sequestering, and burning your property, wherever to be found, so effectually

as to shut you out of continental Europe altogether, from the Bosphorus to the White Sea. Can this be a desirable state of things? It is in vain to say that we can carry on a lucrative commerce with Great Britain only, when she is herself daily exerting her utmost faculties, and complaining constantly because of the great difficulties to introduce our commodities into the very market which we ought, as an independent nation, to carry direct ourselves, and without which trade you will not be able to pay the millions of the balance of trade against you, arising from the importations of British manufactures and gewgaws. If money only is to be the predominant fashion of the day, we ought to go direct to the consumers, because upland cotton in France is 100 cents per pound; in Holland it is 80, and, in Denmark, 50; and after the arrangement in April last was known in England, it fell from 44 to 20 cents; and the moment the present bill becomes a law, and is known there, it will again fall from the last price I heard of, 35 cents, down to the old price of 20 cents, and perhaps less, and every other article in proportion. The trade to the Continent is now becoming more lucrative than ever, on account of the remittances made in bills of exchange to pay the balance we owe England, at an advantage of 25 to 30 per centum in favor of the American produce sold in Denmark and Holland, which, if abandoned now, we may never have so favorable an opportunity to regain. This bill is saying to your citizens, you may safely go to France and England; it is not necessary for your Government to interpose between you and those nations. This is holding out a fallacious idea. Everybody knows Great Britain's insidious policy will molest you by her numerous cruisers; and France, not less disposed to alter her policy, will sequester, unless you can convince her that you come as real *bona fide* neutrals; and you cannot do it effectually in any other way but by convoy to such ports as are actually invested and blockaded. Does not Mr. Jackson expressly say to Mr. Secretary Smith, that His Britannic Majesty will not cease to maintain the right of blockading his enemy's ports by *proclamation*, even without an actual force before them? Can it be possible that we will ever recognise such a monstrous doctrine? No, sir, this nation never will. No. She will not truckle to the mandates of any potentate whatever.

There is another important Constitutional point of view in which I consider this subject. I presume it cannot be in serious contemplation to abandon our commerce without protection, or to quit the ocean altogether. This is a commercial people; you cannot do it. Under what circumstances was the Constitution under which we now hold our seats in this House formed? The fathers of our glorious Revolution, foreseeing much clashing of interests between the States under the old Confederation, which could not enforce the collection of the five per cent. impost recommended by them, devised the plan of an association, who assembled at Annapolis for the avowed purpose of commercial regulations, in

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which the present Chief Magistrate took a conspicuous part. And what was the result of the deliberations of those sages, who, foreseeing insurmountable obstacles, proposed to the several States to send delegates to Philadelphia, in order to fix upon some plan to obviate those commercial difficulties, which was, in the first instance, the principal object of their meeting together? The several States did send delegates accordingly, and that constellation of wisdom did agree to recommend a form of Government for the adoption of the respective States, and at a propitious moment, when we were in profound peace; who, in consequence of this recommendation, did deliberate upon the compact proposed to them. Some of the States immediately acquiesced; others, with great reluctance, hesitated some time. But, such was their confidence in the illustrious characters who recommended the plan, they at last acquiesced. Sir, it required all the talents of a Madison, a Hamilton, a Jay, and many other worthies, (in their various essays on that measure,) to induce the State of New York to assent to the compact. She was not willing to give up a certainty for an uncertainty; and, after a long contest in her convention, the solemn decision was taken, and carried only by one vote. How she has been requited, I shall not attempt to delineate at this time. But I do hope that you will not verify the predictions that were foretold in her convention at that day. Thus, we instituted a Government of equal laws and equal protection to all classes of citizens, guaranteed to us by that Constitution, the admiration of the world, and which solemnly pledges the faith of the nation to promote and defend the general welfare of the whole. It is impossible to abandon that commerce, which the wise framers of the Constitution expressly meant to protect and defend. And if you shall conclude to retire from the ocean, the inevitable consequence will be, that you must have recourse to direct taxes—there is no other alternative. This Constitution having grown out of mutual concessions, it ought to be always uppermost in our view; we ought to consider it as the apple of the eye of the body politic, the sheet-anchor of our hopes, and never suffer anything that shall, in the least, tend to impair those obligations which have been transmitted to us by the father of our beloved country.

We shall be told, if this bill passes, it will not prevent us from taking other stronger ground. It would be very grateful for me to see the country armed at all points, on the defensive, in earnest. But I very much doubt it. I shall despair of getting at this plain question—Will you, or will you not, defend your commerce and the liberty of the citizen from the rapacious jaws of the beligerents? I shall be told trade is now open, money is plenty, produce sells high; no occasion to do anything more, (impressment and Chesapeake an old story.) Will you now undertake to make use of energetic measures, when we have just let loose our defenceless commerce? Thus, sir, we are continually to trust to the chapter of accidents. Let us get out of this thralldom. I wish

for some permanent system, of a decided, firm character, on which the country can rely.

I may be mistaken in some of the views I have taken of this subject; but, being fully convinced that it will compromise the honor and the dearest interests of my country, I have considered it my indispensable duty, as a representative of the people, to oppose this bill in all its stages. If it shall be decided against me, I shall, with all due deference, submit to the majority.

Mr. JOHNSON.—Mr. Speaker, I shall not apologize for the remarks I am about to make, although the discharge of other duties has prevented me from arranging or condensing my thoughts as I would wish. The opposition to this bill has been remarkable, in at least one feature, its variety. We have been entertained with the importance of manufactories, and the duty of this House to encourage them, and then the conclusion seemed to be drawn, that we should vote against this bill. To this I can say, that no individual of the nation can be more anxious than I am to encourage and promote manufactures, by which our dependence on foreign nations will be destroyed and our independence more easily maintained. This bill is so far from obstructing the progress of manufactures, every principle of the bill fosters and protects them. Others have described the calamities of war with much feeling, and have given it as their opinion, that this bill would involve us in war with either France or Great Britain, or with both Powers. To this I answer, if this was to follow, we have had just cause of war against both nations, and the calamities could not be much greater than those which have been wantonly inflicted on us without any provocation or effectual resistance on our part. But this measure is neither war, nor will it more necessarily produce it than any other honorable exercise of our rightful powers. Other gentlemen have recited the wrongs of France and England, in the language of patriotic indignation, at which I have been delighted and interested to see such a spirit of freedom warm their bosoms, and then the conclusion has been drawn, that this bill is submission. In answer to this I state, first, that this bill is not submission; secondly, it is not in opposition to any measure of resistance which has been mentioned. It is not inconsistent with granting letters of marque and reprisal, nor with taking the Canadas, nor with the recall of our Ministers, nor with any other measure of effectual and honorable resistance, nor does it paralyze or weaken in any way the energies of the nation. Where I am known I believe none will doubt my readiness to go to war both with France and Great Britain rather than submit longer to their depredations and insults. I have never had any other sentiments since the attack on the Chesapeake. Let those who object to this as submission, introduce their plan of resistance, and then we shall see who are willing to vindicate the honor and dignity of the nation. Others say we had as well attempt to control the elements as commerce; that the merchants should be permitted to go

where and how they please without restraint. In answer to this, I state that the merchants have had too much influence in the conflict already; they have done much to embarrass the Government in the first instance, and secondly, they have invited foreign nations to continue their depredations by this infamous conduct. I mean that class of merchants who have opposed the measures of the Union and bid defiance to our authority by violating the laws, and now refuse to fight for their country or make resistance against foreign enemies. And I am unwilling for any set of men to influence my conduct when they are governed by such sordid and selfish views. Those whose affections are drawn from this country, and who can say, Well done, and long live the United States! so long as our neutral character gave them advantage over the subjects of other nations, and then claim protection under the British navy after our neutral rights have been disregarded by that Power—if such men are now dissatisfied, let them go and swear allegiance to the British Government and become British subjects. The plain English of this objection amounts to this: Let the merchants dictate and govern the people of the United States, and they will be satisfied, or sell the independence of this nation for gold. Others say that it will be worse than the embargo by retaliation from Great Britain in excluding our vessels; that it will be a perfect non-intercourse, and we shall be deprived of British manufactures. In answer to this I state that a conviction on my mind that this state of things would be produced, would alone furnish sufficient argument for me to vote for the bill. I wish to see a complete non-intercourse produced, and British fabrics excluded until Great Britain shall do us justice. What would England lose by this state of things? She would lose that under which she could not support herself twelve months. Others say many will be the evils of this bill. The argument would put down all human institutions. The most perfect system of the penal code might be objected to upon the possibility or even probability that in some case the guilty might escape punishment or the innocent might suffer. Let the nation understand the question before us. It is a very plain question; it is a question regulating our commerce; it is a navigation act upon our exports and imports.

It is this or nothing. As Great Britain and France are waging continued war upon us, the question arises, will you pass this bill, by which you exclude the British navy and French privateers, also British and French merchant vessels from our ports and waters; or will you permit British and French armed vessels and also the merchantmen to come in and go out as they please, enjoying the hospitality of our people? I hope not. I hope, if we can do nothing more, we will exclude France and England from the hospitality and protection of our waters, and their merchants from commercial rights. I hope this nation never will agree to abandon the rights of the people—war before dishonor. The question

then is, between this bill and the non-intercourse, which will expire at the end of this session— which shall we prefer? Or, whether this bill or nothing but national disgrace? The non-intercourse has been abandoned by all; no proposition has been made to enforce it. In fact, it cannot be enforced, and it would require almost as many men and as much money to enforce it even at home, as to carry on war with France and Great Britain. The object of the non-intercourse was to exclude French and English goods and products. Those who have opposed this bill confess that the non-intercourse is worse than nothing; French and English goods have not been excluded. But we have them in quantity almost without diminution, and in price much enhanced. Very well; what is the price of our own products? The market glutted, and what we sell is at a reduced price. This law has been evaded in the most shameful manner by the infamous part of the community. The coasting vessels go to foreign markets, and evade the penalty by selling cargo and ship and leaving the crew in a foreign land. By smuggling through the Canadas, it has been violated. The non-intercourse has given Great Britain a monopoly of our trade by interchanging British goods in the British provinces and Flanders for the products of the United States. More than one hundred British vessels are now at anchor at Amelia island, in sight of Georgia, taking off cotton; and who would be so mean as to sneak to Amelia island and sacrifice property and principle to enrich our deadly enemies, and ultimately ruin ourselves? The non-intercourse has also lessened our revenue without injuring our enemies, and it has enriched the unprincipled part of the traders, to the injury of the honest merchant and farmer. I have certain intelligence that insurances can be obtained in New York and elsewhere against the penalties of the non-intercourse as to Great Britain. This is too degrading to the human character; and a member stated on this floor that he did not believe that the President had the right of reviving the non-intercourse as to Great Britain, and there was no legal non-intercourse at this time. I was astonished that there should be a difference of opinion upon a subject so plain, and one which was necessary to our neutrality. See the law upon this subject; there can be but one construction. The President was authorized to do a ministerial act, to suspend the non-intercourse as to France or Great Britain if they should so modify their orders and decrees as not to infringe our neutral commerce. The British Ministry promised that on a certain day such modification should take place. The President, by proclamation, made this promise known, but on the day promised, Great Britain refused to make such a change. The non-intercourse therefore never was suspended, because the condition alone upon which such a power could be exercised never did take place. But some men affect to believe what they wish. This non-intercourse was a substitute for the embargo, and the fatal moment when that measure was abandoned, a majority refused

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to go to war, and these are the fruits of it. I shall not hesitate therefore to vote for the bill—a bill which excludes British and French armed and unarmed vessels from our waters, which gives the whole of our trade to our shipping—a bill whose provisions can be carried into effect without difficulty, which will bring money to our Treasury while it injures our enemies. It is said that our shipping has had the carrying of our own produce—granted. But from what cause did that advantage arise? not the difference of duty upon foreign bottoms and our own vessels. No, it originated from the advantages of our neutral character. Other nations, and our own citizens, preferred shipments in American navigation, because their property was protected under our neutral flag. Not so at this time; those advantages have been destroyed by the injustice of foreign nations, and we must assist our citizens by the aid of our laws. This is not submission; far from it. It is a system in defiance of the English orders and the French decrees. Heretofore we have tried experiments in the non-intercourse and the embargo. They have failed to coerce our enemies, and they in some measure prevented a collision with foreign enemies. By the non-intercourse we are told not to go to England; so said the French decree. We are told not to go to France; so said the British Orders in Council; and when complaints are made against these two rival Powers, gentlemen say we will not go to war for captures, when their vessels were violating our own laws. This bill excludes the British and French from trading with us, and we permit our citizens to go where they please under certain regulations. Now, when a vessel is bound to France, in defiance of the English orders, and the British should make a capture, the question will be brought home to every member: Will you submit to these depredations, or grant letters of marque and reprisal, and authorize our merchant vessels to defend themselves and capture? If a vessel should be taken by a French privateer going to England, in defiance of French decrees, the same question would be presented. So far from this measure being submission, it is a defiance of the orders of England and the decrees of France; and I wish to defy those Powers, I fear them not. If Great Britain should retaliate by excluding our vessels, then a complete non-intercourse will take place. If she should retaliate by additional duties, then we shall use less of her manufactures, and our commerce will be thrown into different channels, to her injury, and not of the United States, I have been mortified that on this occasion some gentlemen have estimated our resources as inadequate for the purposes of war, or that the people would not support a war in defence of our independence. I believe neither. Our resources are adequate to the maintenance of our rights, our honor, our independence, and the people are as willing, and more so than we are, to risk war rather than submit longer. I have been peculiarly gratified with the sentiments of my friend, (Mr. DESHA,) we coincide in sentiment. Let strong measures be

introduced, we shall not differ in opinion. I have only to regret, that upon the merits of this particular bill, we differ in our votes.

Mr. BOYD.—Mr. Speaker, it is with great reluctance that I rise, from the knowledge that I have of the superior ability of many gentlemen in this House; and that I am not in the habit of public speaking, lays me under great embarrassment; but, sir, I sensibly feel it as an imperative duty, and silence would be criminal in this state of things.

Sir, I do not expect to make (nor is it my wish) one proselyte to the bill that we are about to pass. Every gentleman, for himself, ought to consult the interest of his country at large; and in so doing, to use his own judgment. That is the rule that I have prescribed to myself to govern my conduct. I trouble the House but seldom, and would at all times much rather give a silent vote; but I feel it my duty to answer some objections that have been made to the passing of it. The gentleman from Massachusetts, (Mr. LIVERMORE,) who I now see in his place, objects to this; because, says, he "England will retaliate on you by restrictive laws; she has the power and will use it—and that it is absurd to think otherwise, or ever talk about it;" with a great deal more such like submissive stuff to the will and power of the King of Great Britain. And in addition to this, the gentleman from New York (Mr. GARDENIER) has said that we must have done with those eternal, distressing, destructive, weak and pitiful measures; that England will not change or alter her grand system of maritime law; that she has told you so over and over again! Now, Mr. Speaker, may I be allowed to use that gentleman's elegant expressions? If I may, I will observe that I am much disgusted with those eternal, reiterated and magnified assertions of the power of this King of Great Britain, made in order to deter us from acting in behalf and for the rights and interest of our own country.

Sir, are these arguments, if they may be so called, to prevent or dissuade us from enacting laws, rules, and regulations, for the protection and security of our own commercial rights and navigation? Sir, I find here a great deal of submission and cupidity, but no argument. Must all our laws be formed to suit the will of our enemies? Shall we do nothing to secure our own rights? Oh, no! we are told; Britain will retaliate. Such are the sentiments of those gentlemen; I trust they never will be such as I shall entertain.

A gentleman from Virginia (Mr. SHEFFEY) has said that he hoped that he should never see the day that an American should be so degraded as to stand in a work-shop, and that agriculture and commerce were the only proper pursuits of the American people, and he hoped that the American people would never debase themselves so far as to become manufacturers. Sir, I hope that I will see the day that we shall be supplied with our own manufactures. I have seen mechanics that would not think themselves much honored by shaking hands with that gentleman

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or any gentleman on this floor—and when I so say I mean no disrespect to the House. Sir, is a mechanic less comfortable or more debased in following his industry in a good work-shop, than a sailor, a ploughman, a scytheman or a laborer in the field, or one that tills the soil? No, sir; I think he is not degraded.

A gentleman from Carolina (Mr. MACON) says, in vindication of this bill, that the non-intercourse is eluded, and allowed on all hands to be ineffective; that he cannot see how it ever came to be passed. He says he is an embargo-man and never denied it, and if it had been adhered to, it would have answered every purpose. But it was given up for the non-intercourse, and how it ever came to pass, he cannot account. He says, he never heard that it had a single friend in or out of this House, that he had never heard a single man in the House raise his voice in its favor. Now, sir, I would ask, how it came to pass into a law by so large a majority of both Houses and without a single friend? Now, sir, is this the fact? To me it appears very different. I remember well that at 1 or 2 of the clock at night, or rather the morning, that it was passed, I for one spoke in favor of it; the embargo was to be given up and this was substituted as a stronger measure, and less objectionable. I then thought it a stronger measure than the embargo, I think so now; and permit me to ask that gentleman what it was that brought the British Government, by their Minister here, Mr. Erskine, to propose to our Government a repeal of their Orders in Council on condition that we would repeal the non-intercourse, (for the embargo at that time was repealed,) and enter into an arrangement with us. I feel myself authorized to say, that it was the non-intercourse, and the propositions made by Mr. Erskine prove it to be so.

Another objection is raised to the bill. England will retaliate; we shall have no commerce; and what will our merchants do with their vast capital, is asked? I would say, that if there is such a vast capital, let a part of it be employed in establishing manufactories, and a part of our population turn their attention and industry that way, and there will be no complaint of inactive capital. This will support domestic manufactures. They in their turn will take off that surplus of raw materials and provisions that is now exported, or at least a great part of it, and that part that you do export will command the better price. By this means the farmer will have a market at his door and his coat also. When we do so, then shall we be independent and not before. Ah! but say gentlemen on my right, if you pass this bill it will lead to war. War! war! is continually reiterated.

Do gentlemen mean by such means to deter us from forming and passing municipal laws to regulate our own concerns, and protect our own property? Sir, war is a great calamity, and ought to be avoided by every proper means; but if it must come to that, I shall not shrink from it. I know what it is; I have felt and seen it in all its terrors. I also know what the King of Great Britain can do, and have so known ever since the year 1774.

Now, sir, as to the bill, I have not much to say in favor of it; but it appears to me that the House is about to repeal the non-intercourse, and that this bill, with some other restrictive measures, will take the place of it. It has been brought forward by the Committee of Foreign Relations, and presented to me as a part of a system, with such as shall be added, to enable the Executive to treat with the belligerents with greater facility and advantage, and in this point of view I accept of it, and shall vote for the passing of it. I have no further observations to make.

Messrs. LIVERMORE, SAWYER, and MILNOR, spoke against the bill.

And the House adjourned without taking a question.

THURSDAY, JANUARY 25.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting a statement of moneys paid during the last year, on account of miscellaneous claims not otherwise provided for, and a statement of contracts made during the same year, by or under his direction; which were read, and ordered to lie on the table.

On motion of Mr. J. G. JACKSON,

Ordered, That the memorial of Return J. Meigs, junior, and others, witnesses against Aaron Burr at his late trial in Richmond, presented on the 9th of November, 1807, be referred to Mr. J. G. JACKSON, Mr. HOLLAND, and Mr. LYON, to consider and report thereon to the House.

A motion was made by Mr. DANA that the House do come to the following resolution:

Resolved, That it is proper by law to establish permanent regulations applicable to cases of merchant vessels allowed to be armed for defence in voyages which may be permitted to ports of the West Indies, or coasts of the Atlantic Ocean, or the Mediterranean, or Baltic Sea, and accordingly to provide for the furnishing of such letters of permission, or other documentary evidence, as may be proper to manifest the defensive character of the armament allowed, and at the same time, by law, to require securities for the vessels respectively, that they shall not proceed to any port known to be actually blockaded, nor carry articles contraband of war to the dominion of a belligerent Power, nor violate the laws or treaties of the United States, or the rules of public law by the United States acknowledged, but will observe the instructions which may be given by the President of the United States for preventing any such violation, and that satisfaction shall be made for all damages and injuries, if any should be committed in contravention thereof.

The resolution was read, and ordered to lie on the table.

Mr. POINDEXTER, from the committee appointed on the twenty-seventh ultimo, to inquire into the expediency of allowing an additional judge to the Mississippi Territory, to reside in Madison county, made a report thereon; which was read, and referred to the Committee of the Whole to whom is committed the bill extending the right

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of suffrage to the citizens of Madison county, in the Mississippi Territory.

On motion of Mr. McKim,

Resolved, That the Secretary of War be directed to report to this House his opinion relative to the sufficiency of the muskets furnished for the use of the United States marked "Springfield."

AMERICAN NAVIGATION ACT.

The House resumed the consideration of the bill "concerning commercial intercourse with Great Britain and France and their dependencies, and for other purposes."

Mr. ANDERSON.—I rise, Mr. Speaker, I assure you with great reluctance; but I cannot reconcile it to myself to remain silent on a question that in my view involves the honor of my country. Of all questions that can come before us, those affecting our national rights and honor, as an independent nation, demand our earnest attention, and best support. Sir, we have arrived at a point where it is difficult to remain, dangerous to advance, but infamous to recede—and will the representatives of a free people, by adopting the bill now before us, choose the latter? I sincerely hope not; but I do hope that a spirit consistent with the dignity of the nation may animate us, and that under its proud influence we shall never consent to see the honor of our country immolated on the altar of avarice. I beg gentlemen to turn their eyes to the period of the first session of the 10th Congress, and review the resolutions then entered into, and the solemn declarations made, viz: that no commercial intercourse could be permitted with England and France while their unjust edicts were continued in force, without a surrender of our rights, our honor, and our independence. Hence it must, I think, forcibly strike every mind, that those resolves, and subsequent measures adopted to sustain this honor and independence, and defend those rights, should be a sure pledge to the American people that you will never tamely surrender them. And, sir, after placing your nation on this high ground, and the same causes still existing which induced you to assume it, would it not be degrading to our country, and, in the eyes of the world, will it not be considered as a pusillanimous act to descend from it? Certainly, sir, it will—and not only so, but, wanting that becoming spirit of freemen, we should be exposed to the derision of every nation of Europe, and our flag treated with contempt by all. Sir, what does this bill, fraught as it is with imbecility, contemplate? Is it not a direct trade with that very Government with whom you have pledged your nation, under existing circumstances, you will have no intercourse, and who at this time prescribes bounds for every American vessel that sails on the ocean, and interrupts your best commerce with other nations? Sir, if this bill now on your table should pass, what will be the inference? The answer is plain. It would be a virtual recognition of the British Orders in Council, and a surrender of those just rights for which so many years we have been contending, and which the great Leviathan is

endeavoring to wrest from us. Sir, these cobweb laws, such as the one now presented to us, in the present disposition of Great Britain, are only calculated to entangle, and instead of leading us out, will plunge us farther into this weak system we have too long been pursuing. Has not experience sufficiently convinced us that this tranquil spirit, which, content with viewing in cool philosophy the injustice of a foreign nation, without pursuing measures to assert the rights and dignity of our own, is only to invite further abuse? Look into public as well as through private life, and you will find submission provokes insult. If we do not respect ourselves, we shall never be respected. There is no safety without honor—peace is the prize of courage, and can only be maintained by the reputation of your arms. Sir, we have too long borne the weight of accumulated wrongs from the British Government, which seems to delight in a consistent course of turpitude and hectoring insolence; and I think we have had strong testimony in recent transactions with that Government, that our weak measures are only laughed at, and, if continued, will lead us to humility and contempt. Remonstrances and appeals to public justice, I believe the most moderate among us begin to be tired and weary of the repetition of, and that reasoning and commercial regulations are but poor defence against power—and being fully satisfied of this truth, shall we again resort to this temporizing, fluctuating, and indecisive conduct, which is only calculated to offer the property of your citizens an easy prey to the tyrant of the ocean, without the means of retribution?

Sir, the most solid basis of a Government is its honor and courage, and we cannot be too tenacious of them—and this is a crisis at which we should properly appreciate those valuable traits in the character of the American people; and instead of this submissive, puerile bill, adopt such measures of energy as will guaranty the honor of our nation, and enable us to defend our rights compatibly with the dignity and honor of a free and independent people. The bill now under consideration, if adopted, will, it appears to me, give this humiliating answer to all the aggressions, hostility, perfidy and insolence of the British Government, viz: that we will no longer contend for, but surrender our rights, and with them, prostrate our honor to the lash with which, for some years, you have scourged us; we will submit, and voluntarily open a direct trade with you, and consent to accept that pittance of commerce you are pleased to allow us. This I think is nearly a correct construction of the language this bill presents to the British Government—and will those who now guide the destinies of this nation consent to purchase a precarious commerce by such infamous submission? I sincerely hope not, sir. This bill now submitted to us, should it progress into a law, appears to me like a peace offering, or a boon to the British tyrant for fear of greater enormities. Be assured that this mode of buying a peace is not the way to prevent the calamities of war. The

savage of our woods has nothing in view but booty; and if he is sure of gaining it, his motives to frequent incursions grow the stronger. This is certainly a new way of repelling the plunderer by holding forth the booty that invites him; and I think that experience has proved to us that the Cabinet of England has no hesitation as to the means, so long as they lead to the accomplishment of her base designs; and whilst this Power is quietly permitted to continue her immense traffic, and deprive other nations of the free use of the seas, and shut them out from the just rights of commerce, neutrals will always suffer under a desolating piracy. Sir, these are facts too plain, and too sensibly felt to be denied, and yet you are about to adopt a measure, not only weak in itself, but one, under the existing state of things, that will blast your country's honor, and produce more food for the maw of that rapacious monster of the ocean.

Some gentleman has said that the genius and spirit of the American people lead to peace and commerce, and not to war. This, on general principles, and in nearly all cases, I admit; and I do myself deprecate war, and am as desirous of peace as any gentleman on this floor, provided a mode can be devised that will supersede submission, and predicated on principles that will be honorable to our nation. But I cannot think with some gentlemen in the present case, under occurrences of butchery, murder, insidious acts, and insolent language of Great Britain, that my fellow-citizens will tamely view these great enormities, nor will I believe that the spirit of '76 is so much impaired in the breast of my countrymen, that they will consent to this degrading measure, which goes to a surrender of our rights, to submission, and even to entomb the honor of our nation, never perhaps to rise again. And, sir, all this sacrifice is to be made for a commerce in anticipation, inconsiderable and uncertain; for, when our commerce was free as the wind that wafts it, Great Britain only employed about 40,000 of the American tonnage, and the probability is, that under the control which England will be put in possession of from this regulation, she will not employ more than half that quantity; and at the same time it should be taken into view that even this is extremely precarious, for there is very little doubt with me that England will have recourse to a countervailing policy. If so, a place of deposit will be established, (and that place, perhaps, Halifax,) to which the different articles of American produce will be taken, and in this case the British ships will reap the benefit of this carrying trade.

Sir, some gentlemen may say that the British Government is too much interested in selling her manufactures to adopt these countervailing laws; but, sir, it does appear to me that the hostile disposition and hatred that Great Britain bears to the American nation, is such that this is the very policy she will adopt, and rely on the success she may have in running her goods into our country, which, I have my fears, will be but too flattering. The features of this weak bill will immediately

open to the view of England, the course to Canada, as a very convenient way to steal her goods into the United States, and her manufactures will be stowed on board her own ships, and by this route will be enabled (with the assistance no doubt of many who will always be ready) to run them without detection into this country, by which means the United States will be robbed of the duties by these speculators; and hence will commence, and very probably continue, such a scene of smuggling as has never yet been known in this, and perhaps any other country. But, sir, my principal objection to this bill is not because the commerce which it contemplates is inconsiderable and precarious, but because it goes to recognise any commercial intercourse whatever with Great Britain under her present restrictive laws; for, in taking a retrospect of all transactions for three years, between this and the British nation, I cannot view this measure in any other way than as absolute submission; and there is no commercial consideration, however flattering or profitable, shall ever induce me to barter the honor of my country. Sir, at an epoch so momentous as the present, our policy, in my opinion, should be an early preparation for the worst, and the adoption of some means to get your citizens' property safe at home; and for that reason I would prefer, to that odious bill now on your table, one authorizing an embargo for seventy or eighty days, by which your vessels would be safely moored in the American ports, and if at that period England did not cease her piracy on our property, and offer such terms of restitution as could be honorably accepted by our Government, I would then grant letters of marque and reprisal. And, sir, rather than give my assent to this degrading measure, which in my view will mark my country with dishonor, and be recorded as a stain in the history of this nation, I would go further; I would call forth the resources of the nation, present a firm front, sustain our honor, defend our rights and independence, and not suffer them tamely to fall at the feet of a tyrant without a struggle. Sir, I cannot, nor will I ever consent that the remaining columns of the American temple of liberty and independence shall be struck away, and that noble structure, which has been reared at the expense of so much blood and treasure, tumble into ruin. I shall give the bill my hearty negative.

Mr. VAN DYKE spoke against the bill.

Mr. TROUP offered the following section, as an amendment to the bill:

"Be it further enacted, That if any vessel, the property of a citizen of the United States, bound to a port permitted by this act, shall be captured on her voyage by the armed vessels of Great Britain or France, and condemned in virtue of the orders or decrees of either, violating the neutral rights of the United States, the President is hereby authorized and required, on demand of the owner or owners of such vessel, forthwith to issue letters of marque and reprisal to such owner or owners, authorizing the capturing and bringing in for adjudication the ships or vessels of the Power under whose order or decree the said capture

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was made: *Provided, nevertheless,* It shall not be lawful for the President to grant letters of marque and reprisal in conformity with the above provision, unless due and satisfactory proof be exhibited that the owner or owners entitled to the same is a citizen of the United States, trading in conformity with the provisions of this act, and that the capture and condemnation were made under the orders or decrees of the Power making the same."

This amendment was opposed by Messrs. TALLMADGE, FISK, BIRRE, DANA, and SMILIE, and supported by Mr. TROUP, who, however, withdrew the motion subsequently.

Mr. MONTGOMERY moved the following as a new section to the bill:

And be it further enacted, That the President be, and he is hereby, authorized to give instructions to the commanders of the armed vessels in the service of the United States to seize within the United States, or within four leagues of the coast thereof, any vessel for evasions or violations of this law, and to bring the same into any port of the United States, or Territories thereof, for adjudication.

After debate, in which Messrs. KEY, MACON, and SMILIE, opposed, and Messrs. EPPES, RHEA, of Tennessee, and MONTGOMERY, supported it; the amendment was agreed to by yeas and nays—73 to 53.

The question, "Shall the bill be engrossed and read a third time?" was then decided in the affirmative by yeas and nays, as follows:

YEAS—Lemuel J. Alston, Willis Alston, jr., Ezekiel Bacon, Burwell Bassett, Adam Boyd, John Brown, Robert Brown, William A. Burwell, William Butler, Joseph Calhoun, Howell Cobb, James Cochran, James Cox, Henry Crist, Richard Cutts, John Dawson, John W. Eppes, William Findley, Jonathan Fisk, Barzillai Gannett, Barent Gardiner, Gideon Gardner, David S. Garland, Thomas Gholson, jr., Edwin Gray, Daniel Heister, William Helms, James Holland, Benjamin Howard, Richard M. Johnson, Walter Jones, Thomas Kenan, William Kennedy, Philip B. Key, Aaron Lyle, Nathaniel Macon, Robert Marion, Archibald McBryde, Samuel McKee, Alexander McKim, Pleasant M. Miller, John Montgomery, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, Roger Nelson, Thomas Newton, John Nicholson, Peter B. Porter, John Rea of Pennsylvania, John Rhea of Tennessee, Matthias Richards, John Roane, Ebenezer Sage, Ebenezer Seaver, Samuel Shaw, Daniel Sheffey, Dennis Smelt, John Smilie, George Smith, John Smith, Samuel Smith, Henry Southard, Richard Stanford, John Stanley, Jacob Swoope, Uri Tracy, Charles Turner, jr., Archibald Van Horn, Robert Whitehill, Richard Winn, and Robert Witherspoon—72.

NAYS—William Anderson, David Bard, Daniel Blaisdell, James Breckenridge, John C. Chamberlain, William Chamberlin, Epaphroditus Champion, Martin Chittenden, Matthew Clay, John Clopton, William Crawford, Samuel W. Dana, John Davenport, junior, Joseph Desha, William Ely, James Emott, Charles Goldsborough, Thomas R. Gold, William Hale, Nathaniel A. Haven, Jonathan H. Hubbard, Jacob Hufty, Richard Jackson, jr., Robert Jenkins, Herman Knickerbacker, Joseph Lewis, jr., Edward St. Loe Livermore, Robert Le Roy Livingston, Vincent Matthews, William Milnor, Jonathan O. Mosely, Gurdon S. Mumford, Thomas Newbold, Timothy Fitkin, junior, John

Porter, Elisha R. Potter, Josiah Quincy, Erastus Root, Thomas Sammons, Lemuel Sawyer, Adam Seybert, William Stedman, James Stephenson, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, John Thompson, George M. Troup, Jabez Upham, Nicholas Van Dyke, Killian K. Van Rensselaer, Robert Weakley, Laban Wheaton, Ezekiel Whitman, and James Wilson—55.

The bill was then ordered to be read the third time on Saturday next.

FRIDAY, January 26.

Mr. JOHNSON, from the Committee of Claims, presented a bill for the benefit of the estate of Samuel G. East; which was read twice, and committed to a Committee of the Whole to-day.

On motion of Mr. MORROW,

Resolved, That it is expedient to authorize the President of the United States to employ a person to compile a digest of such laws of the United States, resolutions of the Congress under the Confederation, and proclamations, as have relation to the public lands, and to provide for the printing of — copies.

The bill extending the right of suffrage to the citizens of Madison county, in the Mississippi Territory, went through a Committee of the Whole, having been amended, on motion of Mr. POINDEXTER, so as to authorize the appointment of an additional judge for the Mississippi Territory, to reside in Madison county.

The bills for the relief of Jared Shattuck; for the relief of Joseph Joshua Dyster; and for the relief of William Hawkins, each passed through a Committee of the Whole.

These several bills were ordered to be read a third time to-morrow.

The bill for the relief of Isaac Briggs was discussed in Committee of the Whole, but disagreed to, and afterwards refused a third reading by the House.

SATURDAY, January 27.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting his report on the petition of Henley McFarlane, referred to him on the twenty-fourth instant; which was read and ordered to lie on the table.

On motion of Mr. WHITMAN,

Ordered, That the Message from the President of the United States, of the twelfth instant, respecting captures and condemnations of the ships and merchandise of the citizens of the United States, under authority of the Government of Denmark, be referred to the committee appointed on that part of the President's Message, at the commencement of the session, which relates to our foreign relations.

On motion of Mr. MORROW,

Ordered, That a bill, or bills, be brought in, pursuant to the resolution agreed to yesterday, respecting a digest of the land laws of the United States; and that the Committee on the Public Lands do prepare and bring in the same.

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Call for Papers—American Navigation Act.

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CALL FOR PAPERS.

Mr. MOSELEY rose to offer a resolution calling for information. He quoted the Message of the President of the United States at the commencement of the session in relation to our affairs with France. The President had referred the House to the correspondence laid before them to show the state of our affairs with France. Now, this correspondence consisted of a letter from Mr. Champagny, which Mr. Armstrong, in an extract of a letter from him, declares to be the definitive answer of the Emperor of France to the propositions made to him by the American Government. What these propositions were was not anywhere stated. Being desirous to obtain information on this subject, he moved the following resolution:

Resolved, That the President of the United States be requested to cause to be laid before this House copies of the several communications made to the Government of France in pursuance of the authority vested by Congress in the Executive, as mentioned in the President's Message to Congress at the commencement of the session, except such parts thereof as may, in his opinion, require secrecy.

Mr. RHEA, of Tennessee, moved an amendment calling for information as well as to Great Britain as to France.

Mr. DANA remarked, that this amendment would involve an absurdity, because the President had, in his Message, made no such allusions to correspondence with Great Britain as the resolution stated him to have made as to France.

Mr. SHEFFEY moved to add to the amendment the words "not already communicated."

Mr. EPPES, presuming the object of the gentleman from Connecticut was to obtain a full statement of all the propositions made to those Governments, therefore moved to strike out the words in *italic*, and include Great Britain as well as France in the call which would embrace all the information the gentleman wanted.

Mr. MOSELEY accepted the amendment as a part of his motion.

Mr. McKEE moved that the resolution should lie on the table for consideration.—Agreed to by yeas and nays, 73 to 53, as follows:

YEAS—Willis Alston, junior, William Anderson, Ezekiel Bacon, David Bard, Burwell Bassett, William W. Bibb, Adam Boyd, John Brown, Robert Brown, William A. Burwell, William Butler, Joseph Calhoun, Matthew Clay, John Clopton, Howell Cobb, James Cochran, James Cox, William Crawford, Henry Crist, Richard Cutts, John Dawson, Joseph Desha, John W. Eppes, William Findley, Jonathan Fisk, Barzillai Gannett, Thomas Gholson, junior, Daniel Heister, William Helms, James Holland, Benjamin Howard, Jacob Hufty, Richard M. Johnson, William Kennedy, Aaron Lyle, Robert Marion, Samuel McKee, Alexander McKim, John Montgomery, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, Gurdon S. Mumford, Thomas Newton, John Nicholson, John Porter, Peter B. Porter, John Rea of Pennsylvania, John Rhea of Tennessee, Matthias Richards, John Roane, Erastus Root, Ebenezer Sage, Lemuel Sawyer, Ebenezer Seaver, Adam Seybert, Samuel Shaw, Dennis Smelt, John Smilie, George Smith, John Smith,

Samuel Smith, Henry Southard, Richard Stanford, John Taylor, John Thompson, Uri Tracy, George M. Troup, Charles Turner, junior, Robert Weakley, Robert Whitehill, Richard Winn, Robert Witherspoon.

NAYS—Daniel Blaisdell, James Breckenridge, John C. Chamberlain, William Chamberlin, Epaphroditus Champion, Martin Chittenden, Samuel W. Dana, John Davenport, junior, William Fly, James Emott, David S. Garland, Charles Goldsborough, Thomas R. Gold, Edwin Gray, William Hale, Nathaniel A. Haven, Jonathan Hubbard, Richard Jackson, junior, Robert Jenkins, Herman Knickerbacker, Joseph Lewis, junior, Edward St. Loe Livermore, Robert Le Roy Livingston, Matthew Lyon, Nathaniel Macon, Vincent Matthews, Archibald McBryde, Pleasant M. Miller, William Milnor, Jonathan O. Moseley, Roger Nelson, Thomas Newbold, Joseph Pearson, Benjamin Pickman, junior, Timothy Pitkin, junior, Elisha R. Potter, Josiah Quincy, John Ross, Daniel Sheffey, John Stanley, William Stedman, James Stephenson, Lewis B. Sturges, Jacob Swoope, Samuel Taggart, Benjamin Tallmadge, Jabez Upham, Nicholas Van Dyke, Archibald Van Horn, Killian K. Van Rensselaer, Laban Wheaton, Ezekiel Whitman, James Wilson.

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The engrossed bill "concerning commercial intercourse with Great Britain and France and their dependencies, and for other purposes," was read a third time; and, on the question, "Shall the bill pass?"

Mr. STURGES moved to postpone the further consideration of the bill till Monday next.—Negatived, 58 to 38.

Mr. MUMFORD opposed the bill.

Mr. FISK supported it.

A motion was then made by Mr. STURGES to adjourn.—Negatived, 51 to 46.

Mr. McKEE advocated the bill, and then the House adjourned—63 to 45.

MONDAY, January 29.

On motion of Mr. SEYBERT, the memorial of the Stockholders of the Bank of the United States, presented on the 26th of March, 1808, was referred to Mr. MONTGOMERY, Mr. DANA, Mr. BASSETT, Mr. SEAVER, Mr. SEYBERT, Mr. GOLD, and Mr. TAYLOR, to consider and report thereon to the House.

Ordered, That there be printed, for the use of the House, that part of the report of the Secretary of the Treasury on public credit, which treats of establishing a National Bank, dated the 13th of December, 1790. Also, the report of the present Secretary of the Treasury on the same subject, made to the Senate on the 2d of March, 1809.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act for the relief of Harry Caldwell and Amasa Jackson, Jeremiah Reynolds and Levin Jones," with an amendment; to which they desire the concurrence of this House.

ADDITIONAL DUTIES.

Mr. RHEA offered the following resolution:

Resolved, That the Committee of Ways and Means be instructed to inquire into the expedi-

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ency of laying additional duties on all goods, wares, and merchandise, of the growth, produce, or manufacture, of France, or the dependencies thereof, and which may be imported into the United States, or the Territories thereof.

Mr. R. observed that, in presenting this resolution, his intention was, that the Committee of Ways and Means might take the subject of it under consideration, and report fully and extensively on it. He said he contemplated the case in different points of view, viz: the committee may report additional duties to so great an extent on certain articles, not very necessary to the United States, as would, in effect, operate as a prohibition on them; that, on articles necessary, the committee might report an additional duty, small in proportion to their necessity; and that encouragement, consequently, might be given to the manufacturers of this nation. He said that he noticed these things, at this time, not for any purpose other than that a full report might be made on the subject. He did not design to ask a reference of the resolution at this time, but was willing it should lie on the table; and, at a day not far distant, he would call it up, together with another resolution of a similar nature, which he intended immediately to offer for the consideration of the House.

Mr. EPES said, that the subject embraced by the resolution had been already taken up by the Committee of Ways and Means, and a letter had been addressed to the Secretary of the Treasury, to know to what extent the present duties could be augmented without injury to the revenue of the United States. This subject having been mentioned in the annual report of the Secretary of the Treasury, the passage of the resolution would imply a censure of the Committee of Ways and Means for not having heretofore reported on it.

Mr. BACON remarked that so much of the gentleman's object as related to manufactures was specially before the Secretary of the Treasury, to whom it was referred at the last session, with a direction to report thereon at large.

The resolution was ordered to lie on the table.

Another motion was then made by Mr. RHEA, that the House do come to the following resolution:

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of laying additional duties on all goods, wares, and merchandise, of the growth, produce, or manufacture, of France, or the dependencies thereof, and which may be imported into the United States, or any of the Territories thereof.

The resolution was laid on the table.

AMERICAN NAVIGATION ACT.

The House resumed the consideration of the bill concerning commercial intercourse, &c. The question still under consideration being "Shall this bill pass?"

Mr. WHEATON.—Mr. Speaker: The great question that is now to be decided by this House, as I understand it, is, whether the bill for regulating the commercial intercourse between Great Britain

and France and for other purposes, which has so long been the subject of discussion, shall or shall not pass into a law.

Upon this bill, sir, in the several stages, through which it has passed, I have purposely forbore making any remarks; but with steady attention have listened to the arguments of other gentlemen, and have admired the ingenuity with which they have, on both sides, been urged. These arguments I have endeavored to weigh in equal scales, and, having found the balance satisfactory to myself, this, together with my own reflections on the subject, has settled an opinion in my mind, by which duty requires that I should be guided in the important decision that is now about to be made. This opinion has led me most cordially to unite in the wishes of the honorable member who conceived the bill, that it might be dead born.* But notwithstanding his wishes and mine, and the fervent prayers of many more, I now believe it will be labored into birth, and become a living child. At the same time I believe, that, notwithstanding its noble descent, (for it is said to have been begotten in the palace,) like its elder, but ill-fated brothers, the non-importation, the embargo, and the non-intercourse laws, it will live unsuspected and die unlamented.

Some parts of the creature seem however to strike the eyes of most of its beholders with complacency, if not with a charm. Other parts are to many quite unpleasant, and even disgusting; and among those who have expressed their dislike, different gentlemen have given different and even opposite reasons. Some think it has too mild a countenance, indicative of a disposition too pacific; others that it has an awful frown on its brow, that may be terrible even to distant nations. To me it appears too feeble for war; too full of anger, for peace; and, therefore, I dislike the whole of it. How, indeed, it may act, and what will be its operations, when it shall arrive at full life, it is impossible for me, with certainty, to predict; but so far as it has appeared, in its present embryo state, it has not a feature, a limb, nor a joint, that is pleasant to my eye. That limb that appears to be designed to smite with early death the non-intercourse law, I should indeed be pleased with, if it were on a different body and had its appropriate name. But I never can wish the existence or preservation of any creature, merely because it may have the power, and the disposition too, of destroying another less noxious than itself.

The bill, sir, appears to me to contain principles inconsistent with each other, and which I fear will prove useless, and not only useless, but very mischievous in their operation. It is said by some of its advocates to be of a very harmless nature, a mere municipal regulation. If so, why is it not made to extend its operations to all the world, without being confined to Great Britain

*Alluding to Mr. MACON's motion, that the bill might expire with the present session of Congress, when, by the terms of it, it is not to go into operation until the 15th of April.

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and France? Against both those nations we have long been complaining. Will this be likely to have any effect towards removing the cause of those complaints? If I could see anything in it, to encourage such a hope, it would be highly gratifying to me to be one of the number to give it the effect of law. It is not pretended that it possesses any very coercive quality, for all acknowledge that either of those nations are able to defeat or counteract, at pleasure, all its operations towards themselves respectively. Why then is there a clause inserted in it, giving authority to the President to suspend its operations as far as may respect either or both those nations, whenever either or both of them shall rescind their obnoxious orders or decrees? Unless we give him this, as we did the non-intercourse law, to barter away, and entertain an hope that he may make a good bargain for us, with this, as we once flattered ourselves he had done with that. That would have been an excellent bargain indeed (as it is now pretty universally acknowledged that the non-intercourse law was never worth a single cent, and therefore insufficient to give validity to a mere parole agreement,) provided the thing proposed in exchange had been authoritatively conveyed, and there had been no flaw in the title deed. But I fear, that if this should be as well sold, we should be equally disappointed as to the pay.

Sir, it is to be presumed, that by this time we have pretty well learned the principles and dispositions of those nations against whom we have been so long complaining, and the power they possess for carrying them into full effect. With our own situation, the temper and disposition of our people, and the powers of resistance we possess, we ought always to be acquainted. Is it not then high time, that we should come to a fixed determination, as to the course most proper and expedient for us to pursue; and no longer halt between two opinions? If war will best answer our purpose, and nothing else will satisfy us, let us have war, and have it immediately, and not keep this nation in a perpetual state of uncertainty and alarm. I have no doubt but that a war of twelve months would go farther towards satisfying the people of this country, than fifteen months of embargo and twelve months of non-intercourse, put together. But if peace is thought the most desirable, as well as the most expedient in our present situation, let us pursue the things that make for peace, and not keep up and continue a system which can serve no other purpose but to vex and irritate those whom we dare not fight.

Some gentlemen, who, in the course of this discussion, have talked the loudest for war, have, after all, lowered down, and concluded their fulminating speeches by acknowledging that such are the general dispositions of our people, and such the situation of our country, (the surplus fund in our Treasury, which we so often hear of, being somehow or other reduced,) that war at this moment would be inexpedient. If this be the case, why should we be pursuing measures whose probable tendency is to provoke war immediately? The time may not be submitted to our choice. It

may come at a day that we think not of, and find us still unprepared. Would it not then be more prudent in us to look to our real situation, to consult the solid interests of our country, than to be spending our whole time in devising and attempting to execute projects useless to ourselves, and which carry nothing with them to those who have offended us, but empty threats and vain denunciations? Against France, to be sure, not only the operations but the language of our Government has been gentle and mild. Not so with respect to Great Britain; although, in my opinion, much severer trespasses have been committed on our commercial rights by the former than by the latter; at the same time that we have had a dear-bought treaty with the former, but have suffered our treaty with the latter, under which the country enjoyed the most unexampled prosperity, to expire, when we had the offer of its renewal. We know that the British nation are bad enough, but I do not think that they have retained and engrossed the whole of human depravity. We have some reason to believe, that our ancestors, though called pious, brought with them a portion of it to this country, and that it has been rolling down through the veins of those who have gone before us, until a full share has come into our possession. To say the least of ourselves in this respect, we are not perfect. And having our portion of the moral, we have not quite so much reason to complain of the natural evils of life. We are perpetually calling the British hard names, which, however, does them no hurt, and can do us no good. How often, in the course of this discussion, have we heard a murdered Pierce, a disgraced Chesapeake, and Copenhagen Jackson, resounded through this Hall, while the story of the more tragic scene of a murdered schoolmaster, within the limits of the jurisdiction of Canada, by the hands of one of our own people, has not been heard? Let me ask, sir, if an entire stranger, who should not have participated in our feelings or passions, were to hear our debates on the subject of our foreign relations, would not be inclined to doubt our sincerity, when we talk of our desires for peace? But I am not afraid to declare my wishes for peace, even at the risk of such an imputation; or, what some would deem more unpleasant still, of being charged with an inclination to mean and unworthy submission. What is this submission, at which we all feel so indignant? To submit, if I understand it, is a verb active, and implies something voluntary, a willingness, or complacency in the situation, to which we may be reduced. But enduring the things we cannot avoid is not submission. I presume it would not be deemed mean submission in a stripling, that he did not rashly dare the giant to so unequal a combat. And is it submission, sir, for us to acknowledge that two are less than four; that a gunboat is not equal to a frigate; that the Chesapeake dared not cope with the Leopard; that our little Navy is less than the navy of Great Britain? If this be submission, then are we in a proper state to submit. But I think it is not. No gentleman can be more reluctant at submission than myself.

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But I am humble enough to say, that a patient endurance of those evils and privations, which we are at present really unable to control, especially when we have so many advantages within our power, is evidence of more wisdom and dignity of character, than a weak and unavailing resistance. Impotence and pride but illy accord with each other. Some gentlemen talk much of the importance of maintaining the honor of our nation. That this is an important object I agree. But if by honor is meant a thing that may be secured by doing justice, loving mercy and walking humbly, then we have it in our power notwithstanding British orders or French decrees; and need not go to war for it. If by national honor is meant national splendor and gaiety, in order to obtain this, we must turn our attention to the acquisition of wealth, and let not the enterprising disposition of our citizens be restrained by our own regulations. If by national honor is meant a quick resentment of real or supposed injuries, and we have an inclination to discover it in this way, we should consider well whether we have ability to give effect to this object, lest in the end we be clothed with shame.

I am, sir, as sensible as any one ought to be, of the injuries we have sustained from the British and also from the French, though of the latter little is said; but going to war with either in the present situation of our country, especially the former, against whom our animosity seems to be principally excited, would in my opinion expose us to a still severer fate. It is wiser to bear the few ills we feel than suddenly to fly to others that we know not of.

The arguments that gentlemen have made use of in favor of this bill have generally been urged with a view of diminishing the apprehensions of evil, rather than affording a prospect of any good to result from it. The inhibiting British and French armed ships the use of our waters, which seems to be very generally approved, I think to be inconsistent with a state of peace with those nations. I believe it is a thing that never has been done by any nation to the armed ships of another, unless in war—excepting our own; and we have already experienced much evil and no good from the adoption of that rash measure towards the British. For, in the first place, well knowing that we had not power to carry it into effect, they did not at all regard it; but continued on our coasts for several months, the President's Proclamation to the contrary notwithstanding—and afterwards it proved an insuperable obstacle to an adjustment of our differences with the Government of that nation, which might otherwise probably have been settled by the mission of Mr. Rose, and saved millions of property to the people of this country, which we have lost by our foolish embargo and non-intercourse systems.—Besides I think that denying those common hospitalities which are due from one nation, at peace with another, may be deemed a violation of the laws of neutrality, by which we profess at present to be governed. And that such was the opinion of a majority of the members of this House, when

they passed the present non-intercourse law, evidently appears from their leaving out of that law any inhibition as to the armed ships of France. That, indeed, was a much stronger case than the present; for then we pretended to side with Britain against France, as our Government had promised, or at least intimated that they would, (as appears from the correspondence lately published,) in case the former should have rescinded their Orders in Council, so far as they affected our commerce, which we then thought they had done. If we then considered it improper to exclude French armed ships, why should we now exclude them, especially as we are informed that the posture of our relations with that Government has not been materially changed since that time?—unless this is now done as an apology for excluding British armed ships also. But as I perceive this to be unpleasant ground to touch upon, I will tread lightly over it, and come to that part of the bill which contains the commercial restrictions; and from this part I can anticipate no general good, but I fear much evil will be the result.

And here, sir, I cannot but remark with some degree of surprise the transition, by which gentlemen heretofore opposed to the whole carrying trade of the United States, should now be for engrossing that of all the world, so far at least as respects ourselves. This, to be sure, would be a charming thing for our ship-owners, if it could be carried into effect, and had no counterbalance. My honorable friend and colleague from the District of Maine has observed that the ship-owners of the North, being without competition, would be able to extort a much higher freight for carrying to market the produce of his honest brethren, the planters of the South. And this is the only benefit to the people of our country, that I have heard urged in favor of the adoption of this part of the bill. This class of gentlemen I should be always willing to gratify whenever it can be done consistently with the interest of the community at large. But this advantage to them I believe would be more than balanced by the disadvantage arising from the diminution of the amount of the sales of their vessels abroad, and from their being restrained from taking freight from any place excepting where the goods should be manufactured or produced. But how will this scheme operate upon the smaller traders and the great agricultural interests of our country? If it shall have any operation at all, it must certainly be against them. Their produce must be necessarily lower in its price, when the means of getting it to market are lessened. I am in favor of commerce, but shall cease to be so, when that does not favor agriculture. Besides, the ship-owners have never requested the adoption of a measure of this sort. They only wish the Government to leave them to manage their own business in their own way, without being shackled with such regulations. We have had numerous applications from manufacturing establishments from almost every quarter of the country, to which very little attention has yet been given, but are now throwing what some affect to consider as a mighty boon into the

hands of the ship-owners, which they have never asked for. And if the commercial restrictions in this bill will not benefit the community in their individual occupations, will it operate in aid of our public finances? Will it serve, in the highest degree, to replenish our exhausted Treasury? I think not, sir. For foreign ships now pay higher duties than our own; and if they are not high enough, it is easy to make them higher still. But whatever benefits we may propose to ourselves by these restrictions, may not the whole object of them be defeated by correspondent and co-extensive restrictions by those nations against whom these are intended to operate, or in some other manner beyond our power to control? As to France, as in the present state of things we can with no degree of safety carry on any commerce there, these restrictions will do us neither good nor harm. As to the British, some gentlemen seem to be of opinion that they will in no way counteract a measure of this sort. But why will they not? That they have the power none will deny. Have they a better disposition towards us than we have towards them? This, few will acknowledge. Will it be for their interest to counteract this measure? If it is not, it cannot be for our interest to adopt it: for, other things being equal, it cannot increase our carrying trade, without diminishing theirs. They may shut all their ports against our vessels, then shall we have a non-intercourse in fact, notwithstanding we are now repealing the law. Some gentlemen say they will not do this, because they are in want of our produce, and want to sell us their manufactures. But we have already taught them a lesson that we ought never to have furnished them the means of learning. By our embargo we have taught them that they can do very well without us. But if they cannot, they may permit our vessels to go there in ballast and bring away their goods, the freight of which would be small in proportion to their value; but prohibit the carrying of our produce to them. And in such case our people would be obliged, as they are now, to carry their produce to Amelia island, or some other place, where the British may receive it in payment for their goods, with the additional benefit of a large freight. The provisions of this bill, therefore, if they are to amount to anything, do not go far enough; they should enjoin a consumption of our produce in the places to which we should carry it, as well as prohibit us from bringing any articles except from places in which they are manufactured or produced. On the whole, I can see no probable benefit to our people from passing this bill into a law, unless we adopt the notions of the Hindoos towards their angry deities, and expect to propitiate those nations of whose conduct we disapprove, by tormenting ourselves.

But it is said that this bill ought to meet with the approbation of the members of this House, because it is in conformity with the views and the wishes of the Executive. So far as this may be a reason with some gentlemen to approve of it, exactly so far is it a reason with me to disapprove it. I do think, however, that such reasons ought

not to be considered as conclusive by either. We ought to refuse the bad, and approve the good, from whatever source either may proceed. But when we find a new project coming from a source from which many, similar in kind, had proceeded before, that have produced no good, but have been followed with much evil, it cannot be strange that it should excite our apprehensions.

The people of this country have, fortunately or unfortunately, been divided into two great rival political parties, each of which have taken their turn to reign. And what can we judge but from what we know? That party has done best for the country, from whose measures they have experienced the greatest good.

Sir, I have a high authority for saying, that on the 4th day of March, 1801, our Treasury was full, our country in universal prosperity, and at peace with all the world. The sad reverse of all these we now experience. An exhausted Treasury, to be replenished only by benevolence, loans, or direct taxation; a depressed commerce, struggling with embarrassments abroad and shackles at home; and, as a necessary consequence, the labor and toils of the husbandman butilly rewarded in the scanty price of his produce: a country full of discontent, and complaint, and without a friend on earth. In this state of things, we are naturally led to inquire, what has been the cause of the surprising change? Shall it be charged to misfortune? If we look into those that the world commonly call unfortunate, we shall generally find them to have been unwise; some flaw in their own conduct will be found at the bottom. Will gentlemen say that our present difficulties are not owing to any errors in the conduct of those in the Administration, but rather to the wicked machinations of foreign Governments, or the uncomplying dispositions of discontented individuals at home? Are these things new? Were they not to be expected, and would it not have been an evidence of more wisdom to have foreseen and guarded against the ill effects of them, than to be running after bugs and butterflies, or, what is far worse, building of gunboats, which have cost the people of this nation more than \$1,500,000, and which are now acknowledged to be useless, and worse than useless, a still growing expense on our hands? Has human depravity taken any stronger hold of mankind since the commencement of the nineteenth, than it did in the eighteenth century? Have the Barbary Powers become more barbarous? Have the Governments or people of England or France grown worse within the last nine years than they were before? We had sufficient evidence of the ill will of both those nations towards us when we were under former Administrations, and yet they, by their prudent conduct, averted the ill effects of it. With respect to us the whole world was then tranquilized. A rebellion in the heart of our country was soothed into peace. Even the savage of the woods had laid down his bow, and his arrows were no longer felt. Then it was that agriculture flourished at home, and commerce brought us from abroad the luxuries of

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every clime. Our vessels traversed every sea and our people were respected on every shore. The islands of either India were but as so many stages to refresh our wearied navigators. But things are not so now. Now, the only evidence of our national pride and ambition seems to consist in high-sounding words, publishing documents, proclamations, and resolutions, and making laws as ineffectual as either. Since we find no respect as a nation, among any other people in the world, we are content to be talking of our own importance, and thus, without a blush, commend ourselves.

It is true, that since we have got into our present embarrassed and perplexed situation, many schemes have been contrived and adopted to extricate ourselves, and restore our lost character; all bottomed, however, on the vain idea of our being of more importance to the rest of the world than they think we are; and so they have all proved ineffectual to that relief and exaltation, with the expectation of which we have so long been flattered. First the non-importation, then the embargo, and after that the non-intercourse, have successively been devised and enforced; but all to no purpose, and all now acknowledged to have been the offspring of mere folly and delusion. And yet we are going on in the same course, confiding though confounded, always pursuing and always condemning the same thing. It seems, indeed, as if we had arrived at that crisis in our affairs, when the sober remonstrances of truth and reason could no longer avail against the misguided impetuosity of public prejudice.

But, sir, perhaps I have gone too far. I am sensible that, in what I have said, I may have exposed myself, in the view of some gentlemen, to the charge of a want of patriotism, if not of being under foreign influence. What is patriotism? Does it consist in empty words and noisy declamation, and not rather in doing and suffering for the general happiness and prosperity of those inhabiting the same country with ourselves? Does it consist in a blind confidence in, and an implicit adherence to those in the Administration of the Government! If it be true, as some pretend, that this be the sole evidence of patriotism, it must always have been so, through all ages and all countries. But have the friends of the Administration always been considered as the exclusive patriots in this country: or do we consider the friends of the Administration in England as the exclusive patriots in that country now? Or, is the same thing virtue here, and vice there? Or, as times have changed, have the great principles of right and wrong changed with them? But it is unnecessary to pursue this inquiry any further. I can profess as strong love for my country as any gentleman present, and I believe I feel it as ardently. And it is because I love my country, and wish its prosperity, that I cannot agree to the bill now under consideration. Thus, sir, you have what I advise: And having made these remarks, I will add no more.

Mr. BABB said he was so extremely anxious for a decision of the question, that he would not so-

licit for a moment the attention of the House did he not know that other gentlemen intended to express their sentiments upon it.

In the present embarrassed state of our foreign relations, (said Mr. B.,) a difference of opinions upon the measures to be adopted was to have been expected; but, sir, I rejoice that on this occasion the line of party has not been drawn; that a spirit of liberality highly honorable to this assembly has been manifested throughout the different stages of the present debate. For myself, I have felt a degree of diffidence in my own opinion upon the subject proportionate to the difficulties with which we are surrounded. I have called into action the resources of my own mind, and listened with attention to the arguments of others, for the purpose, if possible, of ascertaining what course would best promote the welfare of the country. The result, aided by the circumstances which have accompanied the progress of this bill, has confirmed me in the opinion I originally formed, not only of the propriety, but the necessity of passing it. What are those circumstances? When first introduced by the gentleman from North Carolina. (Mr. MACON,) whose recommendation is entitled to as much respect as that of any man in the nation, this bill had scarcely friends enough to obtain lodgings for it in the House, and if all we read is to be believed, it would have fared very badly indeed out of the House; and now we have the strongest evidence (the vote which was taken a few days ago) that its advocates constitute a majority of this assembly. Every day's discussion has added to the number of its friends, and if we may judge of the future from the past, the more it shall be investigated the fewer will be the number of its enemies. If indeed it be understood that gentlemen are influenced by the honest convictions of their most deliberate judgments, such is the pride of opinion that nothing less than the omnipotence of truth itself could have removed the prejudices which were excited against it.

In the present unexampled state of the world, Mr. Speaker, it ought not to be supposed that any course can be prescribed which shall be entirely free from objection. We may determine what is morally right, and how far the two great belligents of Europe departed from the moral and public law; but unless we had the means of enforcing that determination, it would be perfectly unavailing.

Every man who is really an American in feeling and in sentiment, and who is not insensible to the impulse of patriotism, will acknowledge that England and France have disregarded all moral obligations, and wantonly trampled on the rights of this unoffending nation. But, sir, the great question we are called upon to decide is, what shall be done to remedy the evil, to maintain our rights? In the adoption of measures for the attainment of these objects, our view must necessarily be comparative—our choice a choice of evils. While the first sentiments of an injured people may lead them to acts of desperation, it behoves the guardians of their rights, who have

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a view of the whole ground, to consult their most deliberate judgments; to ascertain before they act that their means are adequate to the attainment of the object for which they are to be employed, and to pursue that practicable course which promises the most advantages. Such, in my humble apprehension, is the character of the bill before you. What is the situation of this country? For years past we have had ample cause for war with both England and France. Our rights have been invaded, our sovereignty insulted; but owing to the peculiar state of the civilized world, and in conformity with the genius of our Government, all honorable exertions have been made to avoid the vortex of the present war in Europe, into which each of the belligerents has been anxious to engage us against the other. We have thus far succeeded, and as I contend, without relinquishing any of the essential rights of the country. We have forborne, it is true, to avenge our wrongs. The nation has been preserved in peace, the people are comparatively happy, while Europe presents a scene of misery, carnage, and devastation, which has not been surpassed in the annals of the world. The people have been subjected to some privations and inconveniences, but if they can compare their present situation with that of the most favored people on earth without feeling grateful for their distinguished lot, they must indeed be unthankful. Sir, they are contented and happy in the enjoyment of peace and plenty. I perceive the strongest possible inducements to stand aloof for the present from the dreadful conflict which has shaken the Old World to its centre. The war is near a close. England, the author of most of our present political evils, is now writhing under the consequences of her own injustice. The period is fast approaching when she will be constrained to terminate a contest which has desolated the fairest portions of Europe, and extended its effects throughout the civilized world. It is well known to every man who hears me, that out of the present war has grown our principal disputes, and that they will necessarily cease with the war. I ask, then, whether it can be politic for us to depart from the paths of peace for the attainment of objects which will cease to exist so soon as peace is restored? At such a moment as the present, "big with the fate of Empires," it does appear to me, sir, that we should take warning from the examples before us—that we should avoid the approaching crisis. I do not mean to say that war is the greatest of evils, or that our form of Government is unfit for the purposes of war under any circumstances. No, sir; but as it is the only Government in the world founded in the will of the people, so it is the only Government in the world where that will is all important to the prosecution of a successful war. Convince them that an appeal to arms is indispensable for the preservation of their rights, and the people and the Government are as far superior to those of other countries for the purposes of war, as they are for the enjoyment of liberty and peace. And why, sir? Because the

Government is free—its soldiers are freemen. In other nations the voice of the people is not heard. They are compelled to fight the battles of their masters for objects over which they have no control, and in which they feel no interest; but it is the peculiar distinguished attribute of this people to rule their rulers. Are they at this moment united for war? I know, sir, that the people whom I have the honor to represent are ready to encounter any difficulties, to brave any dangers in defence of their rights, because the love of country is their ruling passion. But, I ask, is the nation in a state of preparation to commence hostilities, with a reasonable prospect of gaining by the contest? In my humble opinion it is not; and to talk of war in the present situation of party divisions is out of the question. With the knowledge which I have, that a large majority of this House are determined for the present not to take an hostile attitude, I will not consent to conceal from the people the real intentions of their representatives, nor will I deceive them by holding out the expectation of war, when in fact it is not to be apprehended. When gentlemen propose to lay an embargo preparatory to war, they should recollect that we have had an embargo, and that to their disgrace it has been abandoned. That embargo was laid by an overwhelming majority for the purpose of compelling the belligerents to respect our rights by its operation on their interests, of securing the property of this nation, and of being prepared for defensive measures, if they became necessary. The first object was in part, and would have been wholly accomplished (of which we have evidence irrefutable) but for the premature abandonment of the measure, and the latter objects were fully attained. Why was it repealed? Because a majority were convinced of its inefficiency? No, sir; a large majority of both Houses of Congress, at the very moment it was repealed, did consider it the most successful mode of warfare that could be waged against the enemies of our peace; and yet a large majority voted for its repeal! Yes, sir, the same majority who acknowledged their firm conviction that the embargo was doing more to enforce a respect for our rights than can now be effected by war. Yet, under such auspicious circumstances, it was abandoned! And why? Because of the clamor of the minority. The people were deceived; they were, particularly in one portion of the Union, induced to suspect the patriotism of their rulers; to believe that the measure had been adopted in subservience to the views of Napoleon, and that it could never bring England to our terms. The minority was apparently increasing in numbers, and in an evil hour you withdrew the shield of your defence. Why was war not then declared? The same causes which are now urged in favor of such a course existed then, and some of the most objectionable features of the Orders in Council which was then in force, have been since abandoned by the British Government. We were then in a much better situation to meet the conflict than we possibly can be now. Our floating capital was safe in port, and much foreign

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property in the country. England was threatened with alarming commotions for the want of our provisions and raw materials. But the scene is now changed. She has a sufficiency of our products, and one hundred millions at least of our products, and one hundred millions at least of our property, is within her grasp. The party of this country who occasioned an abandonment of the embargo, and who prevented a resort to war when it might have been waged successfully, has increased; and, sir, notwithstanding all these unpropitious circumstances, some of these very gentlemen who were driven from the high ground they had honorably taken again propose to us embargo and war. For one, I will not consent under such circumstances to embark in a contest in which we have been once defeated, when every consideration was favorable to a complete triumph, because I am unwilling to be defeated again.

Gentlemen should recollect that the effort had been made under circumstances much more favorable than the present, and they cannot be ignorant of the causes which rendered it abortive. They are to be found in the misrepresentations of designing men; in the differences of opinion which prevailed among honest men; and in the want of firmness in Congress. The people were told that England wanted peace with this country; that she had done us no material injury; that the privations we had imposed were the consequences of a determined hostility towards her, and the desire to promote the views of the Emperor of France. Well, sir, go to war in the present state of the country, and you must expect disaster, in the commencement at least. What will then be said? Why, that the war was unnecessary in the beginning, would be destructive in its consequences, and must be ended. If you were compelled to abandon the embargo when no doubt was entertained that in six months it would settle your disputes, I ask, in the name of common sense, is it probable the war would be continued until the objects should be attained for which it was begun? These are unpleasant reflections; I will pursue them no further; but I beg gentlemen to take warning from the past, to occupy no ground which they are not sure can be maintained with honor to the nation.

In this country, Mr. Speaker, it is proper not only that the people should be satisfied of the indispensable necessity of war before it be resorted to, but that those who administer the Executive branch of the Government, who conduct all the negotiations, and who consequently are better acquainted with our relative situation than other persons possibly can be, should also concur in the opinion. What evidence have you of a disposition on the part of the Executive to make an appeal to arms? None, sir. On the contrary, the course which has been pursued since the dismissal of Jackson (and I am far from censuring it) precludes the idea of taking a warlike attitude. The faith of the nation is pledged, as far as it could be by the Executive, to receive another Minister from England, and to renew the negotia-

tion in the event that Jackson shall be recalled. The Message of the President to Congress, and the instructions which have been sent to our Minister in London, are sufficient to satisfy the mind of every man that the Administration prefer for the present negotiation to war. If, indeed, as some gentlemen suppose, the President is for war, I have no hesitation in saying he has failed to perform a responsible, constitutional, and imperative duty. The Constitution declares "he *shall*" "from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient." I am not disposed to believe that the President has shrunk from his duty. He has not judged a resort to war necessary and expedient; he has preferred further negotiation, and he has given Congress so to understand. Under such circumstances, therefore, I will not consent to incur war expenses for a Peace Establishment.

What, then, it may be asked, is to be done? Shall the non-intercourse be continued? For one, I hope and trust it will not be continued. It cannot be the interest of this country to continue a measure which gives England a monopoly of the commerce of the world; which yields the principal object it has been her policy to attain, and holds out the strongest inducements for a continuance of her obnoxious orders. What are its effects at home? To demoralize your citizens, by presenting temptations for the evasion of your laws; by embargoing the pursuits of the honest merchant; and affording a premium for the vilest fraud and collusion. Sir, if the wisdom of Congress had been exerted to its utmost extent to devise the ways and means of enriching the most worthless part of the community at the expense of the honest, they could not have hit upon a project better calculated to attain the object than the present non-intercourse. Compare the high price of cotton abroad with the price in this country, or at Amelia island, from whence it is carried in British vessels and on British account wherever it is wanted, and tell me if it be not an act of political suicide? That it is ruinous to the revenue, there is ample testimony before the House from the Treasury Department, and every man knows that while it depresses the price of our products, it has enhanced the price of British goods from fifty to an hundred per cent.

But, sir, we are told that the non-intercourse produced the arrangement with Mr. Erskine. The memories of gentlemen have certainly been unfaithful to them on the present occasion. The embargo produced the arrangement, the non-intercourse was the cause of the disavowal. If gentlemen will examine dates they will find that it was perfectly impossible the non-intercourse could have had any share in the arrangement, and, on the contrary, they will perceive the strongest circumstantial evidence in support of the embargo, that it would have been confirmed by the British Government. What were the circumstances under which Mr. Oakley was dispatched to this country with the instructions authorizing, as Mr.

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Erskine supposed, the arrangement that was made? When he left London, all the information which had been received from this quarter was calculated to inspire the most perfect assurance that the embargo would be adhered to, and rigidly enforced, and that non-importation would be added to non-exportation. The Ministry had seen the almost unanimous adoption of Mr. CAMPBELL's report, in which it was solemnly determined that there were but three alternatives: embargo, war, or submission, and that we would not submit.

A gentleman from North Carolina (Mr. MASON) had also offered a resolution for converting the embargo into a total non-intercourse, (not to substitute the one for the other,) and a determination was manifested, by an overwhelming majority, to persevere in our restrictive measures until the cause which had given rise to them should be removed. Be it also remembered, sir, that it was within a few days after the intelligence of those transactions arrived in England, that Mr. Oakley was ordered to, and sailed for the United States. Such was the state of things here, and such the nature of the information in possession of the Ministry; and how is it possible that a measure which was not in existence, nor thought of at that time, could have produced the effect which has been ascribed to it? For myself, I am satisfied that England, sorely affected by the embargo, severely pressed from another quarter, and alarmed at the spirit of resentment which had been manifested in the Councils of this Nation, instructed Mr. Erskine to make the best terms he could, but, in all events, to make some terms. He accordingly made an arrangement, and, as it was his duty to do, endeavored to conceal the real cause which led to it, and to make the impression that it had resulted from the friendly disposition of His Majesty, when, in fact, it was the consequence of compulsion. Unfortunately for the nation, the news of the abandonment of the ground we had taken reached England with the arrangement, and it was rejected. Sir, I feel no hesitation in expressing my firm conviction that if the embargo had continued six months longer, the arrangement would have been confirmed; that Mr. Erskine was authorized to make it; and that the disavowal was the perfidious act of a most faithless Government.

But, say gentlemen, the non-intercourse is a protest against the edicts of the belligerents, and ought not to be abandoned. How a measure which, while it professes resentment for injuries received, throws millions into the pockets of your adversaries, can be considered an honorable protest, is to my mind perfectly incomprehensible. It may, indeed, be a protest in name, but it is submission in fact. The bill before you is really a protest suitable to the situation of this country, in any event that can happen, and, as far as it goes, is positive resistance. It will fill the public treasury; the restrictions on exports will be done away with; the present surplus produce of the country will be converted into cash, at a reasonable price; and if afterwards the edicts of the bel-

ligerents shall work great injury to the American commerce, the eyes of the people will be opened; they will no longer refer their privations to the acts of their own Government, and, discarding from their service the men who have deceived them, they will unite in the execution of any measure which may be necessary for resisting the violators of their rights. In every point of view, sir, the nation will be better prepared to meet any state of things that can possibly arise. This is not altogether matter of opinion, for the expectation of the passage of the bill has already enhanced the price of our products.

But, it is said we shall increase the strength of our enemies by furnishing the articles which are essentially necessary to them. This is true; and if the non-intercourse withheld the supplies, I would hold on to it as the ark of our political safety. What is the fact? England now gets from us whatever she wants, at her own price, without any competition in the market, and transports it whenever she can make a profit. Look at the trade which is now carried on at the island of Amelia, to the exclusive advantage of England, and of smugglers, and tell me where is your resistance? It is a mockery of resistance. It is a resistance only to the pursuits of your honest citizens.

A variety and contrariety of objections have been urged against the restrictive parts of this bill, which I will endeavor to examine. The gentleman from Delaware (Mr. VAN DYKE) tells you that England may take offence at the conduct of this Government in relation to her Minister, and that the adoption of this measure, by throwing our vessels into her ports, will put it completely in her power to seize them, while the exclusion of her vessels from our ports deprives us of the means to retaliate. Yet, sir, notwithstanding this apprehension, the gentleman himself is in favor of a total repeal of the non-intercourse. I beg leave to ask him whether the repeal of the non-intercourse does not place us in the very condition he so much deprecates? If I believed there was the most distant probability of the adoption of such a course on the part of England, I could not consent to repeal the non-intercourse; to place all the floating capital of the nation within her grasp. No, sir; I would lay an embargo immediately. This objection, then, applies as strongly to the simple repeal of the non-intercourse as to the restrictions contained in the present bill. Nor can it avail the advocates for the continuance of that measure, inasmuch as our vessels are already at the mercy of British ships at Amelia island, where they are permitted by a law to go, and in British ports, where they have gone, and continue to go, in contravention of your law. But I consider the apprehension of hostility on the part of England entirely visionary, and out of all rational calculation; although regardless of all moral obligations, she is directed by her interest, and while you extend to her the benefits of nominal intercourse, she will be contented. Besides, she is pressed by the Continental Powers; disaster and disgrace have ac-

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accompanied her projects, and she is too busily engaged in encountering the difficulties presented by her present adversaries to add, voluntarily, this country to the number. No, sir; Mr. Jackson will be recalled, and fair promises made; but, whether with a view to execute them, or to prevent a resort to war on our part, it is not my purpose to inquire.

But, we are told, England will retaliate upon our commerce the restrictions we are about to impose upon her. Then, I presume, we are not about to submit, as some gentlemen have said, unless, indeed, they imagine that the submission of one party is to produce the submission of the other party. The truth is, that without the restrictions of this bill, Great Britain will export most of American produce. Her present discriminating duties put it out of the power of the American to compete with the British shipper, and, unless the proposed regulation be adopted, you relinquish the carrying of even your own products. This bill will be an efficient retaliation. It goes to the full extent to which countervailing of this sort can be carried, and although England may retort the same restriction, she cannot go beyond it. What will be our situation if this retaliation, which is so much feared, should take place? The bill excludes British and French vessels of every description from our ports and harbors, and prohibits the importation of foreign articles, even in American vessels, except they are brought *directly* from the countries of which they are the growth or manufacture. Well, sir, if England retaliates to the full extent in her power, we are then precisely in that situation so much desired by some gentlemen, and which, I admit, whenever Congress determines on, must precede it—a state of embargo. In the event, therefore, of the fullest extent of retaliation, so far from any evil resulting to this country which would not otherwise befall it, we shall be precisely in a condition that those for war wish now to be, with this additional advantage, that the surplus produce of our citizens will have been exchanged for cash, and they will be satisfied that every effort has been made to preserve the peace of the nation. In no view whatever do the proposed restrictions enlarge the power of England to injure our commerce, but, on the contrary, they are calculated to make it her interest to trade with us on equal terms. We once more present to her the olive branch; we propose a renewal of intercourse; but, as she has virtually excluded importations and exportations in American vessels, we follow the example, and exclude them in hers, pledging ourselves, at the same time, to remove our restrictions when she shall consent to abandon hers. This will present a strong appeal to the interest of Great Britain, and all idea of retaliation on her part is, in my opinion, entirely visionary. Indeed, I have been much astonished at the apprehension of retaliation which has been expressed by some gentlemen, at the very same moment that they tell us the embargo, if continued three months longer, would have brought England to our feet; and yet, they are afraid she

will, by her own act, produce another embargo. I confess this sort of reasoning is beyond my comprehension. The sufferings of that nation under the late embargo are a sufficient safeguard against that retaliation which would renew the same state of things. No, sir; England will prefer to have the commerce of the United States carried on in American vessels to a renewal of the embargo. But, be her course what it may, if this bill pass, we shall be in a better situation than we are at present. If it is not sufficiently energetic to meet the views of some gentlemen, it at least protests against the edicts of the two great belligerents, by drawing a line between them and the nations who have done us no injury; and, before it be rejected, it behooves gentlemen to ascertain that a majority will consent to adopt stronger measures. For myself, I am satisfied that this is the most honorable and efficient project on which we can unite, and therefore, if it does not meet my own approbation precisely, I should not feel myself authorized to reject it. However much we may hear about war, I am convinced there are very few indeed who have any serious intention of adopting war measures; and I am for letting the people know what we really intend to do, as well to relieve their feelings and to preserve their confidence in Congress, as to prevent the impositions of speculators on the honest part of the community.

But, sir, another objection is urged against this bill, differing widely from those I have already noticed. It will operate, we are told, unequally and peculiarly hard on France, and she will retaliate. This is a new argument, and certainly yields the old one of French partiality, which I hope never to hear again. But how will it operate unequally on France? It is answered, England will get from this country whatever she wants, and having a navy to execute her orders, which forbid American vessels going to France, our commercial intercourse with that nation will be completely destroyed. We shall have a real non-intercourse with France, while England will receive our products. This objection is at war with that which has been drawn from an apprehension of the exclusion of our vessels on the part of England, because it is founded in the presumption that she will not exclude them. If she should exclude them, and continue her orders, there is a total non-intercourse with both her and France, unless we attempt to carry on a trade with the latter in despite of these orders. If, on the contrary, England consents to trade with us on the terms prescribed by this bill, and France also agree to receive our products, I have no hesitation in saying we will trade with both. But suppose France should take offence. How can she retaliate? Your vessels are now sequestered so soon as they enter her ports, and what more can she do? In fact, sir, both England and France have at this moment in operation these very acts which gentlemen are so much afraid will be resorted to by way of retaliation, and this bill is a measure of resistance against them. Our laws at present forbid any commercial intercourse with

these nations. It is proposed to repeal them, to renew our commercial relations under certain limitations; and we are to be alarmed at the idea of retaliation! For what will they retaliate? Why, sir, for the abandonment of a measure which some gentlemen suppose operates most imperiously upon them; for taking ground apparently less hostile than that we now occupy.

The truth is, in my opinion, that the sequestrations of American property in France have resulted from the present non-intercourse law, and it is more than probable, if this bill should pass, they will not take place. It is known to Napoleon that American vessels are prohibited by our laws from trading with his dominions, and when they arrive they are sequestered, according to the Bayonne decree, in the presumption that unless nominally American they are in fact British property. The Emperor of France cannot be ignorant that England is reaping advantages from the non-intercourse, while it deeply affects his interest; he will do everything in his power to put an end to its continuance. Such, as I apprehend, are the motives for the sequestrations about which we have heard so much; and so far from holding out inducements for evasions of your law, they are calculated to enforce it.

But it is said this bill will destroy a very profitable, indirect trade, which is now carried on through Tonnigen, and some other ports on the Continent, inasmuch as it forbids the importation of articles except *directly* from the countries of which they are the product or manufacture. If gentlemen will look at the letter of Count Champagny to General Armstrong, dated the 22d day of August last, they will find that this trade is either already prohibited or will be forbidden if the non-intercourse continues. He writes thus.

"The (American) embargo has been raised; a system of exclusion has been substituted for it. The Continental Powers leagued against England make a common cause; they aim at the same object; they will reap the same advantages; they ought also to run the same risks. The ports of Holland, of the Elbe, of the Weser, of Italy, and of Spain, will not enjoy any advantages of which those of France may be deprived. They will both be open or shut at the same time to the commerce of which they may be the object."

The language of this letter is so perspicuous, and its object so apparent, that comments are unnecessary. It is evident, if the non-intercourse be continued, Napoleon will not permit you to prosecute that indirect commerce, which gentlemen are so unwilling to relinquish. But, Mr. Speaker, pass this bill, and you present very strong inducements for a favorable reception of American vessels in the control of France. No man can doubt that it is greatly her interest to have a market for her surplus products and to be furnished with the raw materials of this country, provided England shall not participate in the profits of such exchange. It being unquestionably an object of primary importance with the Emperor to encourage manufactures, our articles are almost indispensable to the accomplishment of his views. But it is also his object to destroy the commercial im-

portance of his rival, and he will not consent to give a friendly reception to the products of this nation pending the non-intercourse, and when he has presumptive evidence at least that they are the property of England. If he were to do so, it is obvious that although France would derive advantages in proportion to the extent of the importations and exportations, yet that his adversary would be greatly benefitted also. Manifest a determination to trade with his dominions, to supply them with raw materials and to receive their products in exchange, and unless it can be supposed that he is insensible to the prosperity of his empire, the continent of Europe will be open to you. That Napoleon will adopt every means in his power to prevent the employment of British shipping and the introduction of British goods into the Continent there can be no doubt; and that he will willingly admit American products, conveyed in American vessels, I consider equally certain. This bill, by converting importations and exportations to our own ships, lessens British monopoly, and I cannot imagine that he would be disposed to throw any obstacles in our way. Why, sir? Because every restriction he would impose would tend to increase the monopoly of England, and consequently to prevent the attainment of his great designs.

But we have heard much about honor and dignity, and the present measure is denounced as submission. The gentleman from Kentucky (Mr. DESHA) is opposed to it, because he has pledged himself by a solemn vote not to submit; and for an explanation of the word submission we are referred to a memorable report which was made to this House during the last Winter. I apprehend he has been rather unfortunate in calling our attention to that report. It declared that there were but three alternatives—embargo, war, or submission. I well remember that I adhered to the embargo, and I have not forgotten that the gentleman himself was among the number who violated the pledge he had given, who voted to repeal the embargo, without a substitution of war; and who, according to his own showing, did submit! It but illy becomes those gentlemen, sir, now to declaim so loudly against submission, and it certainly behooves them to relinquish their former creed on the subject of alternative. I consider that creed abandoned by a solemn act of the Legislature, and it is to me a source of great consolation indeed that I had no share in such abandonment, and consequently am not any way responsible for it. I impute no unworthy motives to any man, but if the repeal of the embargo was submission, it cannot now be a question whether we will submit. And whether it was or not, the state of our foreign relations is so materially altered as to justify the adoption of measures now which might then have been improper or even disgraceful. We were at that time excluded by the British orders from the continent of Europe, (Sweden alone excepted,) and from all other places where British vessels were not permitted to go, unless we purchased permission by paying England a transit duty. Far different is our present

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situation. The transit duty is no longer demanded, and for the orders is substituted a blockade of France, Holland, and the Kingdom of Italy. Before, and until the Orders in Council were issued, England had in operation a similar system of blockade, and yet this country carried on a most profitable commerce. An extensive scope is now open to the enterprise of the American merchant, and this bill proposes to make the best possible use of it. An unrestricted trade is permitted with nations who have not injured us, and the mode is presented in which alone commercial intercourse may be extended to those who have violated our neutral rights. Instead of permitting them to regulate the commerce of this country, as is now the case, we determine to conduct it on our own terms, or not at all. Is this submission? No, sir; if it be not offensive resistance to the edicts of the belligerents, it is certainly an advancement from the humble and humiliating condition in which we have been placed by the abandonment of the embargo, to ground which is at least honorable and such as we can maintain. It is true the bill authorizes a direct trade with England and France, but it forbids their vessels to participate in that trade. Is a direct trade thus carried on in our own ships less honorable than the present indirect commerce, which yields to England the advantages of that monopoly against which we have been remonstrating and for which she has been contending? If it be so, I confess I have yet to learn the import of the terms, honor, and dignity, submission, &c.

But the provisions of this bill are said to be inconsistent with the approbation we have awarded to the President for the dismissal of Jackson, and with the pledge that was given to support him in any consequences that may ensue. I certainly did not understand the nature or object of that pledge if it were incompatible with the course prescribed by the bill before you. We pledged ourselves, as I understood, to call into action the resources of the country if it should become necessary in consequence of the conduct of the President; and I trust there will be no indisposition on the part of this House to redeem the pledge whenever the contingency shall happen on which it is provided. We have as yet received no intimation from the Executive or from any other quarter that consequences have ensued which require an appeal to arms, and of course we are free to legislate with a view to our affairs generally, as to us shall seem meet.

It has, however, been said in debate that the President considered the present bill submissive, and that his late Message calling for volunteers was intended to put a stop to its progress. This is not a correct statement, sir; the President's object was simply to raise a force preparatory to events beyond our control, and which might possibly happen; and I have no hesitation in declaring my perfect conviction that, if he had a seat on this floor, he would be among the advocates of this very measure, which some gentlemen pretend to believe he so much abhors.

I have endeavored, Mr. Speaker, to present my

view of this important subject to which our attention has been called. That the course it is proposed to pursue is entirely free from objection I have not ventured to contend, but to my mind it appears better calculated to unite the representatives of the nation than any that has been suggested or that can be devised.

Mr. QUINCY opposed the bill in a speech of nearly an hour.

Mr. TALLMADGE spoke against the bill for half an hour.

Mr. W. ALSTON spoke a few minutes in reply to Mr. WHEATON.

Mr. DANA spoke half an hour against the bill.

Mr. LIVERMORE spoke a few minutes against the bill.

Mr. SHEFFEY spoke in reply to objections which had been made to the bill.

Mr. GARDENIER spoke a few minutes—

And then, about sun-down, the question on the passage of the bill was decided, in the affirmative—yeas 73, nays 52, as follows:

YEAS—Lemuel J. Alston, Willis Alston, junior, Ezekiel Bacon, Burwell Bassett, William W. Bibb, Adam Boyd, John Brown, Robert Brown, William A. Burwell, William Butler, Joseph Calhoun, Howell Cobb, James Cochran, James Cox, Henry Crist, Richard Cutts, John Dawson, John W. Eppes, William Findley, Jonathan Fisk, Barzillai Gannett, Barent Gardenier, Gideon Gardner, David S. Garland, Thomas Gholson, jun., Daniel Heister, William Helms, James Holland, Benjamin Howard, Richard M. Johnson, Walter Jones, Thomas Kenan, William Kennedy, Philip D. Key, Matthew Lyon, Aaron Lyle, Nathaniel Macon, Robert Marion, Archibald McBryde, Samuel McKee, Alexander McKim, John Montgomery, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, Roger Nelson, Thomas Newton, Joseph Pearson, Peter B. Porter, John Rea of Pennsylvania, John Rhea of Tennessee, Matthias Richards, John Roane, Ebenezer Sage, Ebenezer Scaver, Samuel Shaw, Daniel Sheffey, Dennis Smelt, John Smilie, George Smith, John Smith, Samuel Smith, Henry Southard, Richard Stanford, John Stanley, Jacob Swoope, John Taylor, Uri Tracy, Charles Turner, junior, Archibald Van Horn, Robert Whitehill, Richard Winn, and Robert Witherspoon.

NAYS—William Anderson, David Bard, Daniel Blaisdell, James Breckenridge, John C. Chamberlain, William Chamberlin, Epaphroditus Champion, Martin Chittenden, Matthew Clay, John Clopton, William Crawford, Samuel W. Dana, John Davenport, jun., Joseph Desha, William Ely, James Emott, Charles Goldsborough, Thomas R. Gold, William Hale, Nathaniel A. Haven, Jonathan H. Hubbard, Jacob Hufty, Richard Jackson, junior, Robert Jenkins, Herman Knickerbacker, Joseph Lewis, junior, Edward St. Lee Livermore, Robert Le Roy Livingston, William Milnor, Jonathan O. Mosley, Gordon S. Mumford, Thomas Newbold, Benjamin Pickman, junior, Timothy Pitkin, junior, Elisha R. Potter, Josiah Quincy, John Ross, Thomas Sammons, Adam Seybert, William Stedman, James Stephenson, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, John Thompson, George M. Troup, Jabez Upham, Nicholas Van Dyke, Killian K. Van Rensselaer, Laban Wheaton, Ezekiel Whitman, and James Wilson.

[Absent on this vote, sixteen members, viz:—Messrs. Campbell, Cook, Denning, Franklin,

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Goodwyn, Gray, J. G. Jackson, Love, Matthews, Miller, Nicholson, J. Porter, Randolph, E. Root, Sawyer, Weakley; of whom Messrs. Cook, Denning, and Randolph, have not appeared in their seats during the present session, and Messrs. M. Franklin and Goodwyn are absent on leave.]

TUESDAY, January 30.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting, in obedience to a resolution of the 18th instant, two statements of the returns of the respective quotas of one hundred thousand militia, required by the President of the United States of the several States and Territories, in conformity to the acts of the 18th of April, 1806, and the 30th of March, 1808; which were read, and ordered to lie on the table.

An engrossed bill authorizing the discharge of William Hawkins, from his imprisonment, was read the third time, and passed.

An engrossed bill for the relief of Jared Shattuck was read the third time, and passed.

An engrossed bill extending the right of suffrage to the citizens of Madison county, in the Mississippi Territory was read the third time.

Resolved, That the same do pass, and that the title be, "An act for the appointment of an additional judge, and extending the right of suffrage to the citizens of Madison county, in the Mississippi Territory."

The bill sent from the Senate, entitled "An act extending certain privileges therein mentioned, to Joseph Joshua Dyster," was read the third time, and passed, with several amendments.

The House proceeded to consider the amendment of the Senate to the bill, entitled "An act for the relief of Harry Caldwell and Amasa Jackson, Jeremiah Reynolds and Levin Jones;" and the same was concurred in by the House.

APPROPRIATION BILL.

On motion of Mr. EPPES, the House resolved itself into a Committee of the Whole on the bill making appropriations for the support of the Government during the year 1810.

A motion was made to strike out the clause making the additional allowance of fifteen per centum on the salaries of the clerks of the public offices.

Messrs. BACON, TALLMADGE, MONTGOMERY, and ROOT, supported the motion, and Messrs. EPPES, JOHNSON, LYON, SMILIE, QUINCY, RHEA, MUMFORD, SHEFFEY, and TAYLOR, opposed it. Negative—52 to 41.

There is in the bill a provision "for repaying the Bank of the United States a sum advanced to the late collector at New Orleans, to enable him to pay drawbacks." This blank was filled with the sum of \$100,000.

Messrs. QUINCY, LYON, GOLDSBOROUGH, EMOTT, and KEY, objected to the appropriation in the bill of nine thousand dollars for a Minister to Madrid, as we had no Minister there, and making such an appropriation would be a sanction of this House

to such a mission to proceed forthwith; to which they objected. Even if it were proper now to send a Minister to Madrid, there was no occasion for an appropriation for that object, because the President had already a power to send a Minister to any nation, if he thought proper to exercise it.

Messrs. EPPES, BACON, ROOT, RHEA, McKIM, W. ALSTON, and MONTGOMERY, replied that this was included in the estimate from the Treasury Department, and was no doubt intended to meet the appointment of a Minister to Spain, whenever the Government should be satisfied whether a Joseph or Ferdinand swayed the sceptre, whether the King was selected from the Napoleon or Bourbon dynasty. Whenever the Government of Spain was settled, we ought to have a Minister there.

The appropriation was refused to be inserted—52 to 35.

After filling the various blanks, the Committee rose at four o'clock, reported progress, and asked leave to sit again.

WEDNESDAY, January 31.

Mr. LYON presented a petition of sundry inhabitants of Shawneetown, in the Illinois Territory, praying that the land on which they reside, being the property of the United States, may be divided into lots of one or two acres each, and that the said lots may be exposed to public sale.—Referred to the Committee on the Public Lands.

Mr. GANNETT, from the committee appointed on the fourteenth ultimo, presented a bill authorizing the discharge of Phineas Varney from his imprisonment; which was read twice, and committed to a Committee of the Whole on Friday next.

OFFICERS OF THE REVOLUTION.

Mr. NELSON, from the committee appointed on the twenty-fourth instant, made a report on the several petitions of the surviving officers of the late Revolutionary Army; which was read, and referred to a Committee of the Whole on Monday next. The report is as follows:

That, by a resolution of Congress of the 15th of May, 1778, all military officers who then were, or should thereafter be, in the service of the United States, and who should continue in service during the war, and not hold any office of profit under the United States, or any of them, should, after the conclusion of the war, be entitled to receive, annually, for the term of seven years, if they should live so long, one-half of the then pay of such officers: provided that no general officer of the cavalry, artillery, or infantry, should be entitled to receive more than the one-half part of the pay of a colonel of such corps, respectively; and, provided that the said resolution should not extend to any officer in the service of the United States, unless he should have taken an oath of allegiance, and should actually reside within some one of the United States.

That, by a resolution of Congress of the 11th of August, 1779, it was resolved that the half-pay provided by the aforesaid resolution of the 15th of May, 1778, should be extended to continue for life.

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That, by a resolution of Congress of the 21st of October, 1780, it was provided that the officers who should continue in the service to the end of the war should be entitled to half-pay during life, to commence from the time of their reduction.

That, by a resolution of Congress of the 17th day of January, 1781, all officers in the hospital department, and medical staff, thereafter mentioned, who should continue in service until the end of the war, or be reduced before that time as supernumeraries, should be entitled to receive during life, in lieu of half-pay, the following allowances, viz: The director of the hospital, equal to the half-pay of a lieutenant-colonel; chief physician and surgeons of the army and hospital, and hospital physicians and surgeons, purveyor, apothecary, and regimental surgeons, each equal to the half-pay of a captain.

That, by a resolution of Congress of the 22d day of March, 1783, it was provided that such officers as were then in service, and should continue therein until the end of the war, should be entitled to receive the amount of five years' full pay in money, or securities on interest at six per centum per annum, as Congress should find most convenient, instead of the half-pay promised for life by the resolution of the 21st day of October, 1780; the said securities being such as should be given to the other creditors of the United States: provided it should be at the option of the lines of the respective States, and not of officers individually in those lines, to accept or refuse the same; and, provided, also, that their election should be signified to Congress, through the Commander-in-Chief, from the lines under his immediate command, within two months, and through the commanding officer of the Southern Army, from those under his command, within six months from the date of the resolution.

That the same commutation should extend to the corps not belonging to the lines of any particular State, and who were entitled to half-pay as aforesaid; the acceptance or refusal to be determined by the corps, and to be signified in the same manner, and within the same time, as above mentioned; that all officers belonging to the hospital department, who were entitled to half-pay by the resolution of the 17th of January, 1781, might collectively agree to accept or refuse the aforesaid commutation, signifying the same through the Commander-in-Chief, within six months; that such officers as had retired at different periods entitled to half-pay for life, might, collectively, in each State of which they are inhabitants, accept or refuse the same; their acceptance or refusal to be signified by agents authorized for that purpose, within six months; that, with respect to such retiring officers, the commutation, if accepted by them, should be in lieu of whatever might be then due to them since the time of their retiring from service, as well as what might thereafter become due; and that as soon as their acceptance should be signified, the Superintendent of Finance should be, and he was thereby, authorized to take measures for the settlement of their accounts accordingly, and to issue to them certificates bearing interest at six per cent.; that all officers entitled to half-pay for life, not included in the preceding resolution, might also, collectively, agree to accept or refuse the aforesaid commutation, signifying the same within six months from the passage of said resolution.

The petitioners state, and the fact is of too general notoriety to be disputed, that although they confidently expected, at the time they were compelled from impe-

rious necessity to accept the sum in gross in lieu of half-pay for life, that it would be paid to them in reality, and not by a fresh promise without any sufficient guarantee for its due performance, yet they were compelled to receive certificates, which, for want of any specific provision for the payment of them, or the interest accruing on them, were immediately depreciated to five for one, and, by degrees, to ten for one, in exchange for money. They therefore pray that half-pay for life, to commence from the time of the reduction of the Army, may be granted to them, according to the solemn stipulations entered into with them by Congress, by the resolutions before referred to; deducting therefrom the five years' full pay received by them in depreciated paper, by way of commutation.

It is well known to your committee, and to the whole nation, that the far greater part of the officers were compelled by hard necessity to dispose of their commutation certificates at prices infinitely below their nominal amount; that this did not proceed from want of patriotism, of which they had beforehand given proofs most unequivocal, or of want of confidence in their Government; but that, after having spent the vigor of their manhood in the service of their country, they returned to the walks of civil life, (many of them maimed, and scarcely able to halt along,) ignorant of what was passing or likely to pass in the councils of their country; the gripping hand of poverty bore hard upon them; and, unacquainted as they necessarily were with civil affairs, they fell an easy prey to the wiles of the artful and insidious speculator, who was lying in wait to fatten upon their hard earnings. Under circumstances like these, it would have been strange, indeed, if they had kept their certificates in their pockets. No, the thing was impracticable; go they must, for whatever they would bring, and be the consequences whatever they might.

Upon the whole, the committee are of opinion that the contract entered into by Congress with the officers of the late Revolutionary Army, for giving them half-pay for life, has not been substantially complied with by the Government. They, therefore, recommend the following resolution:

Resolved, That the prayer of the petitioners is reasonable, and ought to be granted.

APPROPRIATION BILL.

The House again went into Committee of the Whole on the bill making appropriations for the support of Government during the year 1810. The bill was gone through, and reported to the House.

Mr. Root moved to strike out the clause making the usual appropriation of fifteen per cent. on the amount of the salaries of the clerks in the public offices.

After debate, negatived—yeas 63, nays 54, as follows:

YEAS—Willis Alston, jun., William Anderson, Ezekiel Bacon, William W. Bibb, Daniel Blaisdell, Adam Boyd, John Brown, Robert Brown, William A. Burwell, William Butler, Joseph Calhoun, Martin Chittenden, Matthew Clay, James Cochran, James Cox, Henry Crist, Samuel W. Dana, Joseph Desha, William Ely, Barzillai Gannett, David S. Garland, Thomas R. Gold, Edwin Gray, Daniel Heister, James Holland, Jonathan H. Hubbard, Jacob Hufty, Richard Jackson, junior, Thomas Kenan, William Kennedy, Aaron Lyle, Nathaniel Macon, Robert Marion, John Montgomery,

Thomas Moore, Timothy Pitkin, junior, Elisha R. Potter, John Rea of Pennsylvania, Matthias Richards, John Roane, Erastus Root, John Ross, Ebenezer Sage, Ebenezer Seaver, Samuel Shaw, George Smith, Henry Southard, Richard Stanford, Jacob Swoope, Benjamin Tallmadge, Charles Turner, junior, Robert Weakley, Laban Wheaton, and Robert Whitehill.

NAYS—David Bard, Burwell Bassett, James Breckenridge, John Campbell, William Chamberlin, Epaphroditus Champion, John Clopton, Howell Cobb, William Crawford, Richard Cutts, John W. Eppes, Wm. Findley, Jonathan Fisk, Gideon Gardner, Thomas Gholson, jun., Charles Goldsborough, William Hale, William Helms, Robert Jenkins, Walter Jones, Philip B. Koy, Herman Knickerbacker, Joseph Lewis, jun., Robert Le Roy Livingston, John Love, Matthew Lyon, Vincent Matthews, Archibald McBryde, Alexander McKim, Pleasant M. Miller, William Milnor, Jeremiah Morrow, Gurdon S. Mumford, Roger Nelson, Thomas Newbold, John Nicholson, Joseph Pearson, Benjamin Pickman, junior, Peter B. Porter, Josiah Quincy, John Rhea of Tennessee, Lemuel Sawyer, Adam Seybert, Daniel Sheffey, Dennis Smelt, John Smilie, John Smith, John Stanley, William Stedman, James Stephenson, Lewis B. Sturges, Samuel Taggart, John Taylor, John Thompson, Uri Tracy, George M. Troup, Jabez Upham, Nicholas Van Dyke, Archibald Van Horn, Killian K. Van Rensselaer, Ezekiel Whitman, James Wilson, and Robert Witherspoon.

Mr. LYON moved to amend the clause reported by the committee "for the expenses of foreign intercourse," by specifying Great Britain, France, and the Brazils, as the countries with whom intercourse should be maintained, so as to exclude Russia.

Mr. LYON observed, that, in bringing forward the present motion, he had in view not only to get an opportunity to vote against the appropriation of a large sum of money for the continuance of a mission to Russia, and sending a new one to Joseph Bonaparte's Court at Madrid, from which he thought no advantage to this nation could possibly be derived; but he hoped to be satisfied and enlightened by the discussion that would arise on the motion. He hoped gentlemen who were very sanguine to get this large appropriation of \$49,400 gulped down at one swallow would condescend to present to the House their view of the utility of these missions. Two gentlemen (Mr. SMILIE and Mr. BURWELL) had risen seemingly for that purpose, but when their observations were animadverted on by the gentleman from Connecticut, (Mr. PITKIN,) they explained away, as I understood them, everything like an attempt at justification of the missions in a political point of view.

What commercial connexions have we or can we have with Russia, said Mr. L., which will justify the expense to be created by keeping a mission at St. Petersburg—the lavishing \$10,350 annually of the people's money for the salary of the Ambassador and his Secretary? Let it be understood, sir that inasmuch as the President has sent Mr. Adams Ambassador to St. Petersburg, with the consent of the Senate, (after the mission had been by them twice rejected) I have no objection to his being paid for the time he may be out. He has received his outfit of \$9,000 for the current

year, and also that of his Secretary is advanced to him, or forwarded from the Department of State; so that the question now before us is not, will you consent to appropriate for this year's salary?—it is, will you consent to legitimize a perpetual mission at the Courts mentioned in the Secretary's report of estimates? It is now we are called on to vote the annual appropriation for such an establishment.

We have always been told that our commerce with Russia brings no money; her staple commodities are the same as ours; her exports are principally iron and hemp, and articles produced from these staples. And shall we, at a time when there is the greatest necessity for encouraging our own manufactures, and the cultivation of the materials necessary for their use, burden the nation and increase the national debt by keeping a mission at Russia at the expense of \$10,350 per annum, merely to facilitate a commerce which operates as a clog to the growth of our manufactures, and tends to discourage the culture of hemp and the making our ore into iron? My situation in the Western country, which is capable of producing hemp for all the world, forbids my concurring in such a ruinous policy; my knowledge that this nation can and will, with due encouragement, produce more than she wants, forbids it.

Shall we, sir, after refusing a Minister from the Junta's Court at Seville, in Spain, take a decided part in favor of the Corsican usurper, who has been hoisted on the Spanish Throne by his tyrant brother, by voting our constituents' money to send a mission to his Court at Madrid? In no other light can this thing be considered, notwithstanding the vote of yesterday refusing the sum first proposed as an appropriation to be expended in intercourse with foreign nations.

The Committee of Ways and Means have made the report of the Secretary their guide. It has been printed for the use of the members; copies have gone to the office of the Department of State and of the Treasury, and this report will be their guide with regard to the items which constitute this aggregate of \$49,400. This report, bringing into that aggregate sum a mission to Madrid, and no record or document being found pointing out what was the intent of the reduction, the Executive is left to send this mission to Madrid if they choose to call on us another year for the balance of the expense, or to draw it out of the appropriation for contingent expenses for foreign intercourse.

I am told, sir, that instead of embarrassing and delaying the passage of this appropriation bill, I should have come forward, in a *manly manner*, and laid a resolution on your table for calling home the Minister at St. Petersburg, if I did not like the mission. It has been too often the case, sir, that millions of the people's money have been voted away in a day, in this House, with a bare quorum of members in their seats. This very unjustifiable apathy is by no means a reason that we should not now check an appropriation, the utility of which is at least doubtful and indefensible. Gentlemen will spend weeks very patiently

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in debate on mere matters of form, or on abstruse propositions, the ultimate decision of which is of no importance to their constituents, but seem very soon to be worn out when an attempt is made to particularize, and show to the people the manner in which their twenty thousands are laid out.

Although I do not profess to be a connoisseur in politeness, I have always prided myself in acting openly, manly, and candid. Had I, on this occasion, been *manly*, or rather foolish enough, as the gentleman from Virginia (Mr. EPPES) seems to wish, to have suffered this, which I call abominable appropriation, to pass *sub silentio*, I should have immediately been told that the resolution was an unjustifiable interference with the powers of the Executive, and the resolution would in all probability have been smothered, as many an important one has been, by a refusal of the majority to consider or take it up. I think it is most manly, sir, at the time when you are voting away millions in a single day, to call the House to a pause on important questions like the present. Indeed, I knew of no other way by which discussion on this subject could be provoked or obtained. Subjects of this kind seem to be always too delicate for majorities to dwell upon; *sub silentio* votes suit them best.

In the year 1798, Federal gentlemen contended that the Constitution gave the President, with the consent of the Senate, the power of sending as many missions to foreign countries as he thought proper, and that we, the House of Representatives, were bound to vote their salaries and outfits. We, Republicans, contended that this House had a discretionary power, and could refuse to appropriate the salaries and outfits when we thought proper. There is but one Federal gentleman, now a member, who was at that time a member of this House, (Mr. DANA.) I am happy to be able to congratulate myself on that gentleman's seeming to have come to my opinion, while I have to regret that many gentlemen in this House, who call themselves Republicans, particularly the gentleman from New York, (Mr. ROOR,) and a gentleman from Maryland, (Mr. McKIM,) are advocating the old aristocratic doctrine on this subject. I confess I do not understand that kind of republicanism that changes its doctrines with a change of power. I like that steady republicanism which will, when in power, practise the principles and doctrines advocated by Republicans out of power. What principle has been more zealously proposed and advocated, and oftener reverberated in the public ear, than *specific appropriations*; and yet how is that principle scouted now by self-styled Republicans, when in power and called to act upon it! In this very bill you make a specific item for the salary of each officer of the Mint, in lieu of saying in one item, "for the salaries of officers of the Mint, — dollars." So with regard to the Governors of each Territory; there is an item for each individual salary, and for each set of judges, in lieu of saying, "for the salaries of the Governors and the judges of the Territories, — dollars." But, sir, when this House is called on,

by a number of its members, to make a specific appropriation for each Minister and Secretary, that is to be kept at, or sent to, a foreign Court, instead of appropriating the people's money in a dark, enigmatical manner, not easily understood by them, Republican gentlemen forget all their high-sounding professions in favor of the Republican doctrine of *specific appropriations*, and shelter themselves under a custom which they say was in practice under the Administration of those who made no such professions, as if they acknowledged themselves that their former professions are now to go for nothing. What caution was oftener repeated by Republicans, ten and twelve years ago, than "Beware of the power of the Executive; by its extensive patronage our liberties will be endangered?" Instead of guarding against Executive encroachments, Republicans, in name, have quietly acquiesced in, or actively promoted, as they do in this case, every encroachment that opportunity has presented.

The gentleman from Virginia (Mr. EPPES) has really told us an edifying, entertaining story, about a sick man and his family, who were put into a salutary and quiet sleep by reading, and hearing, for a very little time, the production of a dull author; and the gentleman has very wittily made this production apply to the speeches of members of Congress. That gentleman has had no opportunity to get himself to sleep reading my speeches made this session. The newspapers have been otherwise occupied, and I can tell him with truth, that, on my way to Congress this Winter, (however eager I was to read the news, and to hear what was doing here,) I have had many a comfortable nap in reading, or attempting to read, the long speeches made by some gentlemen during the session.

Messrs. DANA, QUINCY, PITKIN, SHEFFEY, and STANFORD, supported the motion. Mr. QUINCY and Mr. SHEFFEY were not opposed to the mission to Russia, but were desirous of making the appropriations specific as to each nation, in preference to appropriating the whole under a general head.

Messrs. EPPES, SMILE, PICKMAN, RHEA, and McKIM, opposed the motion. They all expressed themselves decidedly in favor of the mission, except Mr. PICKMAN, who said he should vote against the motion, because it was not the province of the House, but of the President and Senate, to decide on the propriety of a mission to a foreign nation. This argument was also used by other gentlemen, and replied to by Mr. SHEFFEY and Mr. STANFORD.

The debate on this subject was desultory and diffuse. Those opposed to the mission to Russia contended that we had no occasion for a Minister there, more especially as that Power appeared so subservient to France, and as a "Northern Confederacy" was said to be forming there, in which we might be expected to participate. To this it was replied, that blind subservience to the views of France was not apparent in the conduct of Russia; that she was almost the only nation which treated with us on terms of reciprocity,

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and appeared to be in Europe almost the only supporter of neutral rights; and it was therefore said to be peculiarly proper that we should have a Minister there.

Before the question was taken on Mr. LYON'S motion the House, at half-past four, adjourned.

• THURSDAY, February 1.

Mr. MILNOR, from the Committee of Accounts, who was instructed, by a resolution of the seventeenth ultimo, to inquire into the manner in which the contract for supplying the House with stationery has been executed, and into the propriety of furnishing each member with — amount of stationery, at the commencement of each session, made a report thereon; which was read, and the resolution therein contained concurred in by the House, as follows:

Resolved, That it is *unnecessary* to take any further order on this subject.

Mr. MORROW, from the Committee on the Public Lands, presented a bill providing for the printing and distributing such laws of the United States as respect the public lands; which was read twice, and committed to a Committee of the Whole on Monday next.

Mr. DESHA, from the committee appointed, on the eighth ultimo, on the petition of Daniel Boone, made a report; which was read, and referred to a Committee of the Whole to-morrow.

APPROPRIATION BILL.

The House resumed the consideration of the report of the Committee of the Whole on the bill making appropriations for the support of Government for the year 1810.

Mr. LYON'S amendment being yet under consideration—

Mr. EPES stated that the amendment proposed an entire innovation in the practice of Congress in respect to the foreign intercourse, and quoted the laws of the United States, for eighteen years past, to show that the language of the appropriation law had always been the same as now used in the bill.

Mr. LYON'S motion was negatived—yeas 39, nays 77, as follows:

YEAS—Daniel Blaisdell, James Breckenridge, John C. Chamberlain, William Chamberlin, Epaphroditus Champion, Martin Chittenden, Samuel W. Dana, William Ely, James Emott, Barent Gardener, Charles Goldsborough, Thomas R. Gold, William Hale, Nathaniel A. Haven, Jonathan H. Hubbard, Richard Jackson, junior, Robert Jenkins, Philip B. Key, Herman Knickerbacker, Edward St. Loe Livermore, Matthew Lyon, Nathaniel Macon, Archibald McBryde, Jonathan O. Moseley, Joseph Pearson, Timothy Pitkin, junior, Elisha R. Potter, Josiah Quincy, Daniel Sheffey, Samuel Smith, Richard Stanford, John Stanley, Lewis B. Sturges, Jacob Swoope, Benjamin Tallmadge, Jabez Upham, Nicholas Van Dyke, Archibald Van Horn, and Killian K. Van Rensselaer.

NAYS—Lemuel J. Alston, Willis Alston, jr., William Anderson, Ezekiel Bacon, Burwell Bassett, William W. Bibb, Adam Boyd, John Brown, William A. Burwell, William Butler, Joseph Calhoun, Matthew

Clay, John Clopton, Howell Cobb, James Cochran, James Cox, Richard Cutts, John Dawson, Joseph Desha, John W. Epes, William Findley, Jonathan Fisk, Barzillai Gannett, Gideon Gardner, David S. Garland, Thomas Gholson, junior, Edwin Gray, William Helms, James Holland, Benjamin Howard, Jacob Hufty, Richard M. Johnson, Walter Jones, Thomas Kenan, William Kennedy, John Love, Aaron Lyle, Robert Marion, Vincent Matthews, Samuel McKee, Alexander McKim, Pleasant M. Miller, Thomas Moore, Jeremiah Morrow, Gurdon S. Mumford, Thomas Newbold, John Nicholson, Benjamin Pickman, junior, John Porter, John Rea of Pennsylvania, John Rhea of Tennessee, Matthias Richards, John Roane, Erastus Root, John Ross, Ebenezer Sage, Thomas Sammons, Lemuel Sawyer, Ebenezer Seaver, Adam Seybert, Samuel Shaw, Dennis Smelt, John Smilie, George Smith, John Smith, Henry Southard, John Taylor, John Thompson, Uri Tracy, George M. Troup, Charles Turner, jr., Robert Weakley, Robert Whitehill, Ezekiel Whitman, James Wilson, Richard Winn, and Robert Witherspoon.

The amendment made by the Committee of the Whole, to fill the blank "for contingent expenses of foreign intercourse" with "fifty thousand dollars" being under consideration—

MESSRS. QUINCY, DANA, GARDENIER, and GOLD, opposed the appropriation; and MESSRS. EPES, SHEFFEY, MACON, BACON, ALSTON, RHEA, of Tennessee, MONTGOMERY, KEY, and PITKIN, supported it.

Those who opposed it stated as a reason for their opposition, that, by the report of the surpluses remaining unexpended at the end of the present year, it appeared there were unexpended, under the head of "contingent expenses of foreign intercourse," \$70,000, which, added to \$50,000 now proposed to be appropriated, would make \$120,000 at the control of the Government for contingent expenses of foreign intercourse; and, added to the appropriation in the bill for the ordinary expenses of foreign intercourse, would make near \$170,000 subject to expenditure for foreign intercourse during the present year; that there was no reason why this additional appropriation should be made when so much remained unexpended of a former appropriation; that even if there were no balance on hand, this was no reason why the contingent appropriation should be larger now (as it is) than at any former period; and that, if the appropriation was made, it would be proper to know to what object it was to be applied.

Mr. GARDENIER expressed a hope that it was not for secret service money, or to aid in the establishment of the Northern Confederation, so much spoken of; but said, it was no good omen that, under the late Administration, a Minister had been sent to Russia without information being given to either branch of the Legislature, and that another should now have been sent without any reason having been assigned for it.

In reply it was said, that the report alluded to, of unexpected surpluses, was made some months ago, and that the balance remaining unexpended of former appropriations was merely nominal;

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for, by the same report, there remained unexpended of the appropriation for the civil list, five hundred thousand dollars, which every one knew would be expended before the end of the year; that, by that report, more than a million remained unexpended of the Navy appropriation, and no one could doubt but that would be drawn out; that gentlemen should be consistent in their opposition, because that, for the same reason which they opposed this appropriation, they ought to have opposed the appropriation for the civil list; that this item was intended and always had been appropriated to cover contingent expenses of intercourse, and expressly provided for by law, as, for instance, the outfit of a Minister, despatch vessels, &c.; that the sum was larger now than usual, because of the state of our affairs, which rendered it necessary for the Government frequently to send despatch vessels to Europe, the ordinary mode of intercourse being closed.

Mr. MONTGOMERY observed, in reply to the intimation about a Northern Confederacy, that he could not conceive to what gentlemen alluded. He had, indeed, heard, a year ago, of a plan of a Northern Confederacy on this Continent, by which the Union was to be divided by the Hudson, and annexed to the British provinces. Perhaps gentlemen alluded to that. As to the secret service money, he knew of none expended under the late or present Administration; under a former Administration, it was true, there had been some singular expenditures of that kind, some of which were now under consideration at the Comptroller's office, for instance, "for secret service money, \$250;" and even an item of \$15 paid to a doorkeeper for secret service, which service, he believed, was tracing the clues to the famous tubs that arrived at Charleston in 1798 or 1799.

The House agreed to the appropriation—yeas 102, nays 16, as follows:

YEAS—Lemuel J. Alston, Willis Alston, junior, William Anderson, Ezekiel Bacon, David Bard, Burwell Bassett, William W. Bibb, Daniel Blaisdell, Adam Boyd, James Breckenridge, John Brown, Robert Brown, William A. Burwell, William Butler, Joseph Calhoun, William Chamberlin, Epaphroditus Champion, Matthew Clay, John Clopton, Howell Cobb, James Cochran, James Cox, William Crawford, Richard Cutts, John Dawson, Joseph Desha, John W. Eppes, William Findley, Jonathan Fisk, Barzillai Gannett, Gideon Gardner, David S. Garland, Thomas Gholson, junior, Edwin Gray, Nathaniel A. Haven, Daniel Heister, William Helms, James Holland, Jacob Hufty, Richard Jackson, jun., Robert Jenkins, Richard M. Johnson, Walter Jones, Thomas Kenan, William Kennedy, Philip B. Key, Herman Knickerbacker, John Love, Aaron Lyle, Nathaniel Macon, R. Marion, Vincent Matthews, A. McKim, Pleasant M. Miller, William Milnor, John Montgomery, Thomas Moore, Jeremiah Morrow, Jonathan O. Moseley, Gurdon S. Mumford, Thomas Newbold, Thomas Newton, John Nicholson, Joseph Pearson, Timothy Pitkin, junior, John Porter, John Rea of Pennsylvania, John Rhea of Tennessee, Matthias Richards, John Roane, Erastus Root, John Ross, Ebenezer Sage, Thomas Sammons, Lemuel Sawyer, Adam Seybert, Samuel Shaw, Daniel Sheffey, Dennis Smelt, John Smilie, George Smith,

John Smith, Samuel Smith, Henry Southard, Richard Stanford, John Stanley, Lewis B. Sturges, Jacob Swoope, Samuel Taggart, Benjamin Tallmadge, John Taylor, John Thompson, Uri Tracy, Charles Turner, junior, Jabez Upham, Archibald Van Horn, Robert Weakley, Robert Whitehill, Ezekiel Whitman, James Wilson, Richard Winn, and Robert Witherspoon.

NAYS—Samuel W. Dana, William Ely, Barent Gardenier, Charles Goldsborough, Thomas R. Gold, Jonathan H. Hubbard, Joseph Lewis, junior, Edward St. Loe Livermore, Robert Le Roy Livingston, Matthew Lyon, Benjamin Pickman, jun., Josiah Quincy, William Stedman, Nicholas Van Dyke, Killian K. Van Rensselaer, and Laban Wheaton.

Mr. KEY moved to recommit the bill for the purpose of reducing the appropriation for the expenses of foreign intercourse, with a view to exclude the appropriation for the mission to Russia.

On this motion, Mr. K. delivered his sentiments against that mission. After he concluded, his motion to recommit the bill, was negatived—yeas 29, nays 91, as follows:

YEAS—Daniel Blaisdell, John Campbell, John C. Chamberlain, William Chamberlin, Epaphroditus Champion, Martin Chittenden, Samuel W. Dana, William Ely, James Emott, Barent Gardenier, William Hale, Daniel Heister, Richard Jackson, junior, Philip B. Key, Herman Knickerbacker, Joseph Lewis, junior, Edward St. Loe Livermore, Robert Le Roy Livingston, Matthew Lyon, Jonathan O. Moseley, Joseph Pearson, Timothy Pitkin, junior, John Stanley, William Stedman, Jacob Swoope, Samuel Taggart, Benjamin Tallmadge, Killian K. Van Rensselaer, and Laban Wheaton.

NAYS—Lemuel J. Alston, Willis Alston, jr., William Anderson, David Bard, Burwell Bassett, Adam Boyd, James Breckenridge, John Brown, Robert Brown, William A. Burwell, William Butler, Joseph Calhoun, Matthew Clay, John Clopton, Howell Cobb, James Cochran, James Cox, William Crawford, Richard Cutts, John Dawson, Joseph Desha, John W. Eppes, William Findley, Jonathan Fisk, Barzillai Gannett, Gideon Gardner, David S. Garland, Thomas Gholson, junior, Charles Goldsborough, Thomas R. Gold, Edwin Gray, Nathaniel A. Haven, William Helms, James Holland, Benjamin Howard, Jacob Hufty, Robert Jenkins, Richard M. Johnson, Walter Jones, Thomas Kenan, William Kennedy, John Love, Aaron Lyle, Nathaniel Macon, Robert Marion, Vincent Matthews, Archibald McBryde, Samuel McKee, Alexander McKim, Pleasant M. Miller, William Milnor, John Montgomery, Jeremiah Morrow, Gurdon S. Mumford, Thomas Newbold, Thomas Newton, John Nicholson, Benjamin Pickman, jun., John Porter, Josiah Quincy, John Rea of Pennsylvania, John Rhea of Tennessee, Matthias Richards, John Roane, Erastus Root, John Ross, Ebenezer Sage, Thomas Sammons, Ebenezer Scaver, Adam Seybert, Samuel Shaw, Daniel Sheffey, Dennis Smelt, John Smilie, George Smith, John Smith, Samuel Smith, Henry Southard, Richard Stanford, Lewis B. Sturges, John Taylor, John Thompson, Uri Tracy, Charles Turner, junior, Jabez Upham, Nicholas Van Dyke, Archibald Van Horn, Robert Weakley, Robert Whitehill, Ezekiel Whitman, and Robert Witherspoon.

The remainder of the appropriations being agreed to without opposition, the bill was ordered to be engrossed for a third reading.

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State of the Army—Banks of the District of Columbia.

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STATE OF THE ARMY.

Two Messages were received from the President of the United States, transmitting a report of the Secretary of the Treasury, in obedience to a resolution, calling for information on the subject of the instructions given to the armed vessels within our waters. [It appears by this report that there have been no instructions, on this subject, issued since 1805.]

The other Message transmits the following report of the Secretary of War, in compliance, also, with a call of the House:

WAR DEPARTMENT, Jan. 30, 1810.

SIR: In obedience to a resolution of the House of Representatives, of the 22d inst., I have the honor to transmit you the following returns, marked A, B, and C.

A, exhibits a general return of the troops of the United States composing the Military Peace Establishment and the additional military force of each regiment and corps, taken from the latest returns received by the Adjutant and Inspector of the Army, to the 28th of November, 1809, to which is subjoined the present disposition of the general and field officers.

B. A return of the regular forces allotted for the defence of New Orleans, comprehending those of the Military Peace Establishment on that station, and the additional military force ordered there on the 2d December, 1808.

C. The disposition and effective strength of the additional military force ordered for the defence of New Orleans, taken from the latest reports received at the office of the Adjutant and Inspector of the Army, to which is subjoined a list of resignations, dismissals, and deaths, of the officers of the Army since the 1st of January, 1809.

The additional force ordered for the defence of New Orleans was detached from the several corps as they had been recruited, and arrived at that place between the 10th of March and 20th April, 1809. Leaving a detachment in the city of New Orleans, this army moved and encamped at Terre-au-Bœuf, on the Mississippi, fifteen miles below New Orleans, on the 8th of June, where they remained until the month of September. In September they embarked for Natchez, and in the month of October encamped near Washington, six miles in the rear of Natchez, at which place they halted for the winter.

It must have been expected that the sickness and mortality incident to new troops in the summer and autumnal months would be aggravated by their removal to a more Southern climate. The whole of the detachment has been affected with disease, and the number of deaths will be found eventually to exceed those in the returns.

Since their removal to their present station, the latest advices state that they are convalescent.

I have the honor to be, &c.

W. EUSTIS.

The President of the United States.

The Message, report, and documents, accompanying the same, were referred to a select committee, composed of Messrs. NEWTON, MILNOR, NELSON, COCHRAN, WINN, HOWARD, HAILE, PICKMAN, and MUMFORD.

A motion was made by Mr. LEWIS, to print the Message and documents. This motion was opposed by Messrs. NEWTON and EPPES, who con-

tended that no other nation in existence ever officially exposed to the world the precise state and disposition of its military force; and, at this time particularly, it would be improper for us to do it.

MESSRS. ELY, LYON, MACON, and TALLMADGE, supported the motion for printing, alleging that there was no occasion for secrecy or concealment in relation to an army of five or six thousand men, as a knowledge of their precise destination and situation would be of no importance to an enemy, if we had one, but was important to the people of the United States.

Before the question on printing was decided, the House adjourned.

FRIDAY, February 2.

A motion was made by Mr. JOHNSON, that the House do now adjourn; and, the question thereon being taken, it was determined in the negative—yeas 10, nays 61.

On motion of Mr. BASSETT, the Committee of the Whole to whom was committed the bill for incorporating the Protestant Episcopal Church, in the town of Alexandria, in the District of Columbia, were discharged from the consideration thereof, and the bill was laid on the table.

The House resolved itself into a Committee of the Whole on the bill to prescribe the mode in which application shall be made for the purchase of land at the several land offices, and for the relief of Joab Garret. The bill was reported without amendment, and ordered to be engrossed, and read the third time to-morrow.

The question under consideration yesterday when the House adjourned, for printing the report of the Secretary of War, was carried in the affirmative—50 to 38.

Mr. DAWSON moved that the select committee to whom this report was referred, should be discharged from the further consideration of it, in order to refer it to the Committee on Military Affairs. Motion negatived—ayes 29.

The bill for the relief of the late Samuel G. East, went through the Committee of the Whole, and was then ordered to lie on the table.

BANKS OF THE DISTRICT.

Mr. LOVE, from the Committee on the District of Columbia, to whom was referred the several petitions relative to the Banks of Alexandria, of Potomac, of Washington, and of the Union Bank of Georgetown, reported:

First: That the Bank of Alexandria was established by an act of the Legislature of Virginia, passed in the year 1792; allowing a capital to be raised to the amount of \$150,000, and limiting the duration of the bank to the 1st day of January, 1802; that by an act of the same Legislature, passed the 5th day of December, in the year 1795, the capital of the said bank was allowed to be increased to \$500,000, the whole of which has been subscribed for; and on the 21st day of January, in the year 1801, the Legislature of Virginia extended the duration of the charter to the 4th of March, 1811.

An increase of capital and an extension to the time

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last mentioned, it is presumed was decided on, from a knowledge of the beneficial effects the community had derived from the institution and the propriety with which it had been conducted; and also from an opinion, perhaps prevalent, (but how well founded your committee do not pretend to decide,) that the Congress of the United States had divested themselves of the power of granting a charter, even to a private bank, till the term of limitation for that of the United States had expired.

The useful and prosperous operations of the Bank of Alexandria have continued to an equal degree and extent to that which they had been carried to when that institution last received the sanction of the State of Virginia by the act of 1801. It has preserved a stability of credit, and there is every reason to induce a belief that the same prudence and circumspection has influenced the conduct of the directors of it since, as did before the State of Virginia ceased to have jurisdiction over the place of its establishment.

The circumstance of this incorporation having been created under the special sanction of the ceding State, and its therefore presumed consistency with the interests and wishes of that State, the citizens of which are principally affected by the circulation of its notes, affords considerations for a continuance of its charter, which are certainly entitled to particular respect. The average annual dividends of this bank have been equal to eight and three-fourths per centum on its capital, to the present time.

The provisions of its charter secure to the public, affected by the circulation it enjoys, the responsibility of each stockholder or member of the company, in their natural capacities, to an amount equal to the stock held by him in case of losses or deficiency of the capital stock, at the time such loss or deficiency shall take place, from whatsoever cause it may arise; and, also, in case the total amount of the debts, which the company shall at any time owe, shall exceed four times the amount of the capital stock over and above the moneys actually deposited in the bank for safe keeping, the directors, under whose administration it shall happen, shall, in their natural and private capacities, be liable for such excess to any creditor of the bank, except those directors who were absent, or, being present, dissented to the act, which should produce such excess; and, in case such directors should not have property sufficient to pay, the stockholders are made liable, in their private capacities, for such excess.

It is also made necessary, by the provisions of its charter, that the president and directors shall, once in every year, lay before the Executive of Virginia, an account truly stating the situation of the bank and its funds. A summary mode of recovery is also provided for the creditors of the bank.

2dly. The Bank of Potomac, next to that of Alexandria, has been longest in existence of any respecting which petitions have been referred to this committee. It is derived from an association of individuals, which took place for that purpose in the town of Alexandria, in the year 1804, who agreed to subscribe a capital, not exceeding \$500,000, the whole amount of which has been paid according to the terms of the association. The petitioners assign, as a reason for not applying at that time for a charter, their impression that the National Legislature had been precluded by the terms on which that of the Bank for the United States had been granted from authorizing by law any other bank till the fourth of March, 1811, and the necessity of an in-

crease of banking capital, in order to enable the traders in agricultural products to purchase the increased quantity of those articles brought to Alexandria for a market.

This banking association has established a solid credit. There is every reason to presume its operations have been prudently conducted. Its utility is tested by the constant demand for its capital, as evidenced by the rate of annual dividends or profits it has yielded the stockholders, averaging precisely seven per cent. to the period previous to the last half year, which, for that term, has been declared to be four per cent. on the capital.

3dly. The Bank of Washington and the Union Bank of Georgetown, are constituted by articles of association nearly similar to that of the Bank of Potomac, and have originated during the year 1809.

The Washington Bank is established in the City of Washington, contemplating a capital of \$250,000 certain; for the amount of which a subscription has been obtained, and is capable of being augmented to \$1,000,000. The operations of this bank have already commenced.

The Union Bank is contemplated to be established in Georgetown, with an immediate capital of \$300,000, four-fifths of which the petitioners state is now subscribed for, and is capable, by the articles of association, of being enlarged to the amount of \$1,000,000. Its operations have not yet commenced, but it is represented in the petition, that preparations are so progressing as to insure their commencement early in the present month.

The probable utility and success of these banks must depend on a variety of circumstances, and cannot be deduced, as in the two first instances, from actual experience.

The Committee for the District of Columbia can, however, readily confide in the statement of the petitioners, that an increase of banking capital will be conducive to the growth of commerce and manufactures within the District. The committee will also observe, that the founding and erection of so extensive a city as the permanent seat of empire for the United States, must obviously require the aid of vast resources, and that that consideration offers additional inducements to give the most advantageous extension to the moneyed capital it may possess, and to attract a portion of that which may be to spare in other parts of the Union. The purposes of an increasing commerce, of manufacturing establishments, and more especially improvements for accommodation, now rapidly progressing, it is presumed, demand a sum of circulating medium perhaps not to be answered, even by the increase expected from the establishment of the banks petitioned for.

A fulfilment of the expectations of the founders of the national seat of Government appears, from the rapid increase of its growth and population, no longer to remain doubtful. It can no longer be doubted, that the District of Columbia is destined to an enviable, and perhaps unrivalled enjoyment of commerce and the useful arts, the essential concomitants of wealth, power, and magnificence. Its site at the head of the maritime navigation of a great river, deriving its sources from the regions which also give birth to the western waters of the United States; the facility of connexion with the trade of the latter; the natural and improved fertility of the country to which those advantages give a cheap access, with innumerable other existing causes

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of prosperity, seem at length to have attracted a considerable share of the notice of the enterprising. The opinion is, therefore, presumed to be warranted, that the necessary means of improvement would be greatly accelerated by an increase, at this time, of banking capital.

But, should this supposition not be founded in a correct estimate of the present demands for an increased quantity of currency in the District, no apparent evil can result to the public from the permission of an unnecessary investiture of capital in banks; provided, such banks are subjected to regulations, which may insure the community against loss from attributing to them an unmerited credit. Under such a security, the only consequence which can result from an excess of capital, would be a want of employment for it, and a consequent loss to the stockholders. This part of the inquiry might then be left to rest with the petitioners themselves.

The committee, however, wish to be understood to entertain the opinion, that the unrestrained permission to individuals, by extensive associations to establish institutions of a moneyed kind, might be carried to pernicious lengths; they conceive it to be the duty of the Legislature, while they encourage those useful instruments of commerce and improvement, to guard the interest of the citizen from the dangers which an unlicensed extent of them might produce; and their attention has, therefore, been led to the examination of the principles on which those companies have erected themselves, which are now the particular subject of inquiry.

The different articles of association which constitute the three last noticed institutions, although undoubtedly the result of the most laudable intentions, are not discerned to possess in themselves any security to the public, against an abuse of the credit the community is in the habit of bestowing on bank notes. The members of the institution are in all cases, and under any circumstance of mismanagement, by express stipulation, exempted from personal liability, a quality which it is presumed ought not to be found, to the same extent in any co-partnership whatever; it is certainly proper, however, to add, that no imposition can possibly be presumed to have been contemplated in these particular instances, as well from the high standing in society, which the framers and managers of those institutions enjoy, as from the evidence of candor and fairness exhibited by them, in having provided, that contractors with them should be specially notified of this quality in their contracts, and that the receivers of their bank currency should be apprized of it, from the language used on the face of their notes.

It is presumed to result from this view of the inquiry submitted to the committee, that the granting of charters to the several petitioners, and by law prohibiting future associations which have so important an effect upon the interests of society, unless under the restrictions and provisions of special laws, the safety and interests of the public would be best protected. It only remains, then, for this committee to recommend the mode of such restrictions as will, in their opinion, best comport with the public safety, and not unnecessarily fetter the operations of these institutions.

Various means to secure this object may be suggested as proper to be introduced into the terms of their several incorporations:

1. Such as those provisions ingrafted into the charter granted by the Legislature of Virginia to the Bank

of Alexandria, and which exist in most bank charters, and which are hereinbefore referred to.

2. By subjecting those institutions to an examination into the state of their affairs from time to time, under such authority as Congress might appoint, with a correspondent power of removing or obviating abuses.

3. By authorizing the Executive of the United States, or providing for Congress to appoint, annually, a certain number of the directors of the several institutions.

4. By incorporating them, with such other funds as might be authorized, into a National Bank, making them branches thereof, in order to accommodate the different sections of the District, or consolidating their several capitals into an integral institution, and thus, in either mode, establishing them on the most satisfactory responsibility.

The fourth alternative certainly involves important considerations, not more from its intrinsic moment, than from the time at which the subject has been presented for consideration.

In all Governments where any system of finance has been adopted, the instrumentality of banks has been found of great utility in its management. In one like that of the United States, where the revenues are collected throughout a vast extent of country, and the amounts from that circumstance rendered proportionally difficult in their transportation to the different scenes of expenditure, the safety and convenience of banks have been already appreciated by the department to which our fiscal operations are confided. The bank established for the United States by an act of Congress of 1791, has heretofore furnished that convenience, not however without a compensation entirely ample, from the advantages derived to it from the deposits of public money. Should objections be found to exist to a further continuation of that charter, which will expire in a very short period, the convenience, and also the exigencies of Government, will point out the policy and necessity of creating a new National Bank, the place of establishment for which would most properly be at the seat of Government of the United States, under the immediate eye of the Government, with which a greater or less portion of its capital would control the operations of such branches as might be authorized by the proper powers.

To an establishment of this kind within the District of Columbia, where the United States have an exclusive jurisdiction constitutionally in all cases, one at least of the objections to a prolongation of the charter of the present United States Bank would not exist, nor to the branches of a new bank, when authorized by the State sovereignties. It would be, however, for the wisdom and justice of the Legislature to decide what portion of the stock of the present United States Bank might, with the approbation of its owners, be ingrafted into the new National Bank. To continue this inquiry would be carrying this committee beyond the limits assigned them in a report on the petitions referred to them. Nor would it be more certainly within the scope of their duty to point out the mode which, in their opinions, it would be most eligible to adopt in the creation of a National Bank, or to observe upon defects they might presume to exist in the present one. They profess only the obvious right of deciding in their report on the propriety of rejecting or acceding to the prayers of the several petitions referred to them; and, in acceding to them, to endeavor to develop the means most eligible for individuals, and most advantageous and safe for the public, upon

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which the institutions prayed for may be established. They, therefore, report the following resolution:

Resolved, That the prayers of the several petitioners to continue the charter of the Bank of Alexandria, and to grant charters to the Banks of Potomac, of Washington, and to the Union Bank of Georgetown, are reasonable and ought to be granted.

BATTURE AT NEW ORLEANS.

The House resolved itself into a Committee of the Whole on the resolutions heretofore offered by Mr. SHEFFEY respecting the batture.

On the motion of Mr. SHEFFEY, the resolution before the Committee of the Whole for reinstating the persons dispossessed in the property of the batture, was disagreed to; and Mr. S. offered a resolution requesting the President to take measures that no injury should result to the property in question while the claim remains unsettled. Mr. S. supported his motion, and the right of the claimant to a speedy investigation and decision on his claim, at considerable length.

Mr. POYDRAS spoke at great length in support of the right of the United States to the property.

The Committee then rose and reported progress, and the House adjourned.

SATURDAY, February 3.

Owing to the inclemency of the weather, but few of the members attended at the usual hour of meeting.

A quorum not being present at twelve o'clock, a motion was made to adjourn, and carried—yeas 22, nays 19.

MONDAY, February 5.

The SPEAKER laid before the House a report of the Commissioners of the Sinking Fund, exhibiting the proceedings which have been authorized by the Board since their last annual report; which was read, and ordered to lie on the table.

Mr. JOHNSON, from the Committee of Claims, made a report on the petition of Peter Landais, referred on the 27th of December last; which was read, and referred to a Committee of the Whole on Friday next.

An engrossed bill making appropriations for the support of Government, during the year one thousand eight hundred and ten, was read the third time, and passed.

An engrossed bill, to prescribe the mode in which application shall be made for purchase of land at the several land offices, and for the relief of Joab Garret, was read the third time, and passed.

On motion of Mr. FISK, the House resolved itself into a Committee of the Whole on the bill providing for a third census of the inhabitants of the United States.

After considering the bill, the Committee rose, and reported the bill; which was committed to a committee of seven members, with a view to arranging the compensation to be made to the several marshals, according to some fixed rule, and according to the probable increase of population in each.

CALL FOR PAPERS.

Mr. MOSELEY called for the consideration of the resolution offered by him a few days ago, calling for information relative to the several propositions made by this Government to the Governments of Great Britain and France.

The House agreed to take it up—yeas 71, nays 39, as follows:

YEAS—Ezekiel Bacon, Burwell Bassett, Daniel Blaisdell, James Breckenridge, John Brown, William A. Burwell, John C. Chamberlain, William Chamberlin, Epaphroditus Champion, Martin Chittenden, Henry Crist, Samuel W. Dana, Joseph Desha, William Ely, James Emott, Barzillai Gannett, David S. Garland, Charles Goldsborough, Thomas R. Gold, Edwin Gray, William Hale, Daniel Heister, Benjamin Howard, Jonathan H. Hubbard, Jacob Hufty, Richard Jackson, jun., Walter Jones, William Kennedy, Herman Knickerbacker, Joseph Lewis, jun., Edward St. Lee Livermore, Mathew Lyon, Nathaniel Macon, Robert Marion, Vincent Matthews, Archibald McBryde, Pleasant M. Miller, William Milnor, Jeremiah Morrow, Jonathan O. Moseley, Gurdon S. Mumford, John Nicholson, Benjamin Pickman, jun., Timothy Pitkin, jun., John Porter, Peter B. Porter, Elisha R. Potter, Josiah Quincy, John Ross, Lemuel Sawyer, Daniel Sheffey, Samuel Smith, Richard Stanford, John Stanley, William Stedman, James Stephenson, Lewis B. Sturges, Jacob Swoope, Samuel Taggart, Benjamin Tallmadge, John Taylor, John Thompson, Charles Turner, jun., Jabez Upham, Nicholas Van Dyke, Archibald Van Horn, Killian K. Van Rensselaer, Laban Wheaton, Ezekiel Whitman, James Wilson, and Robert Witherspoon.

NAYS—Willis Alston, jun., William Anderson, David Bard, William W. Bibb, Adam Boyd, William Butler, Joseph Calhoun, Howell Cobb, William Crawford, Richard Cutts, William Findley, Jonathan Fisk, Gideon Gardner, James Holland, Richard M. Johnson, Thomas Kenan, John Love, Aaron Lyle, Samuel McKee, Alexander McKim, John Montgomery, Thos. Moore, Thomas Newbold, Thomas Newton, John Rea of Pennsylvania, John Rhea of Tennessee, Matthias Richards, Erastus Root, Ebenezer Sage, Thomas Sammons, Adam Seybert, Samuel Shaw, Dennis Smelt, John Smilie, George Smith, Henry Southard, George M. Troup, Robert Weakley, and Richard Winn.

The resolution was then read, and is in the following words:

Resolved, That the President of the United States be requested to cause to be laid before this House copies of the several communications made to the Governments of France and Great Britain, with respect to the several orders and decrees of either, violating the lawful commerce and neutral rights of the United States, in pursuance of the authorities vested by Congress in the Executive, except such parts as may, in his judgment, require secrecy.

A motion was made by Mr. MUMFORD, to add to the said resolution the following words: "Also, to communicate to this House such information as he may have received touching the forgery of papers purporting to be those of American vessels."

This motion was opposed, on the ground of its want of connexion with the original motion.

The question being taken on the amendment,

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it was resolved in the affirmative—yeas 89, nays 26, as follows:

YEAS—Lemuel J. Alston, Willis Alston, jr., William Anderson, Ezekiel Bacon, David Bard, Burwell Bassett, William W. Bibb, Adam Boyd, John Brown, William A. Burwell, William Butler, Joseph Calhoun, John C. Chamberlain, William Chamberlin, Matthew Clay, Howell Cobb, James Cochran, William Crawford, Henry Crist, Richard Cutts, John Dawson, Joseph Desha, William Ely, James Emott, Jonathan Fisk, Barzillai Gannett, Gideon Gardner, David S. Garland, Charles Goldsborough, Edwin Gray, James Holland, Benjamin Howard, Jacob Hufty, Richard M. Johnson, Walter Jones, Thomas Kenan, William Kennedy, Joseph Lewis, John Love, Aaron Lyle, Nathaniel Macon, Robert Marion, Archibald McBryde, Samuel McKee, Alexander McKim, John Montgomery, Thomas Moore, Jeremiah Morrow, Gurdon S. Mumford, Thomas Newbold, Thomas Newton, John Nicholson, Joseph Pearson, Timothy Pitkin, jr., John Porter, Elisha R. Potter, John Rea of Pennsylvania, John Rhea of Tennessee, Matthias Richards, Erastus Root, John Ross, Ebenezer Sage, Thomas Sammons, Lemuel Sawyer, Ebenezer Seaver, Adam Seybert, Samuel Shaw, Daniel Sheffey, Dennis Smelt, John Smilie, George Smith, John Smith, Samuel Smith, Henry Southard, Richard Stanford, John Stanley, William Stedman, Jacob Swoope, Benjamin Tallmadge, John Taylor, John Thompson, Uri Tracy, George M. Troup, Charles Turner, jr., Nicholas Van Dyke, Archibald Van Horn, Robert Weakley, Richard Winn, and Robert Witherspoon.

NAYS—Daniel Blaisdell, James Breckenridge, Martin Chittenden, Samuel W. Dana, William Findley, Thomas R. Gold, Wm. Hale, Daniel Heister, Jonathan H. Hubbard, Richard Jackson, jr., Robert Jenkins, Philip B. Key, Herman Knickerbacker, Edward St. Loc Livemore, Matthew Lyon, Vincent Matthews, Pleasant M. Miller, Jonathan O. Moseley, Josiah Quincy, James Stephenson, Lewis B. Sturges, Samuel Taggart, Jabez Upham, Killian K. Van Rensselaer, Laban Wheaton, and James Wilson.

The question was then taken to agree to the resolution as amended, and resolved in the affirmative—yeas 92, nays 19, as follows:

YEAS—Ezekiel Bacon, Burwell Bassett, Daniel Blaisdell, James Breckenridge, John Brown, William A. Burwell, Joseph Calhoun, John C. Chamberlain, William Chamberlin, Martin Chittenden, Matthew Clay, James Cochran, Henry Crist, Richard Cutts, Samuel W. Dana, Joseph Desha, William Ely, James Emott, Jonathan Fisk, Barzillai Gannett, David S. Garland, Charles Goldsborough, Thomas R. Gold, Edwin Gray, Wm. Hale, Benj. Howard, J. H. Hubbard, Jacob Hufty, Richard Jackson, jr., Walter Jones, Thos. Kenan, William Kennedy, Philip B. Key, Herman Knickerbacker, Joseph Lewis, jr., Edward St. Loc Livemore, Matthew Lyon, Nathaniel Macon, Robert Marion, Vincent Matthews, Archibald McBryde, Alexander McKim, William Milnor, John Montgomery, Thomas Moore, Jeremiah Morrow, Jonathan O. Moseley, Gurdon S. Mumford, Thomas Newton, John Nicholson, Joseph Pearson, Timothy Pitkin, jun., John Porter, Elisha R. Potter, Josiah Quincy, John Rea of Pennsylvania, John Rhea of Tennessee, Matthias Richards, Erastus Root, John Ross, Ebenezer Sage, Thos. Sammons, Ebenezer Seaver, Adam Seybert, Daniel Sheffey, Dennis Smelt, George Smith, John Smith,

Samuel Smith, Henry Southard, Richard Stanford, John Stanley, William Stedman, James Stephenson, Lewis B. Sturges, Jacob Swoope, Samuel Taggart, Benjamin Tallmadge, John Taylor, John Thompson, Uri Tracy, George M. Troup, Charles Turner, jun., Jabez Upham, Nicholas Van Dyke, Archibald Van Horn, Killian K. Van Rensselaer, Robert Weakley, Laban Wheaton, James Wilson, Richard Winn, and Robert Witherspoon.

NAYS—Lemuel J. Alston, Willis Alston, jun., David Bard, William W. Bibb, Adam Boyd, William Butler, Howell Cobb, William Crawford, John Dawson, William Findley, Gideon Gardner, James Holland, Aaron Lyle, Samuel McKee, Pleasant M. Miller, Thomas Newbold, Lemuel Sawyer, Samuel Shaw, and John Smilie.

Messrs. MOSELEY and MUMFORD were appointed a committee to present the said resolution to the President of the United States.

TUESDAY, February 6.

Another member, to wit: from Massachusetts, ORCHARD COOK, appeared, and took his seat in the House.

Ordered, That the report of the Committee on the District of Columbia, on the petitions of the President and Directors of the banks of Alexandria, Potomac, and Washington, and of the Union Bank of Georgetown, made on the second instant, be referred to a Committee of the Whole on Friday next.

On motion of Mr. MONTGOMERY,

Resolved, That the committee appointed on so much of the President's Message of the 29th of November last, as relates to the Military Establishment of the United States, be instructed to inquire whether any, and what, alteration it is expedient to make in the act, entitled "An act for establishing rules and articles for the government of the armies of the United States," and that they have leave to report by bill, or otherwise.

Mr. Morrow, from the Committee on the Public Lands, who were directed by a resolution of the House of the first of December last, to inquire into the expediency of confirming the right of the city of New Orleans to the Common of said city, and vesting in the said city of Orleans the public and vacant lots of ground within the same, made a report thereon; which was read, and the resolution therein contained concurred in by the House, as follows:

Resolved, That the time prescribed by the third section of the act respecting claims to land in the Territories of Orleans and Louisiana, for carrying into effect the provision therein contained, ought to be extended, subject to the terms, conditions, and reservations, mentioned in the said section."

Ordered, That a bill, or bills, be brought in, pursuant to the said resolution; and that the Committee on the Public Lands do prepare and bring in the same.

On motion of Mr. MORROW,

Resolved, That the Committee on the Public Lands be instructed to inquire whether any, and what, further provision is necessary to be made

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for settling the claims to land, and for surveying and sale of the land of the United States, in the Territories of Orleans and Louisiana; and that the committee report by bill, or otherwise.

The House resolved itself into a Committee of the Whole on the bill to extend the time for locating Virginia military land warrants, and for returning the surveys thereon to the Secretary for the Department of War. The bill was reported with several amendments thereto; which were read, and severally concurred in by the House, and the bill ordered to be engrossed, and read the third time to-morrow.

NATIONAL BANKS.

The House proceeded to consider the resolution submitted on the fourth of December last, by Mr. NICHOLSON, and the same being read, in the following words, to wit:

Resolved, That provision be made, by law, for a general National Establishment of Banks throughout the United States; and that the profits arising from the same, together with such surplusses of revenue as may accrue, be appropriated for the "general welfare," in the construction of public roads and canals, and the establishment of seminaries for education throughout the United States:

Mr. SAWYER moved to refer to a select committee the first clause in the first resolution, in the following words:

"Resolved, That provision be made by law for a general National Establishment of Banks throughout the United States:"

Mr. SMILIE suggested the propriety of referring it to the committee appointed on the memorial of the President and Directors of the Bank of the United States.

Mr. DANA conceived that the proposition, taken connectedly, had in view two broad principles; the first, to facilitate intercourse and external improvement generally; the second, to provide the means for carrying that principle into effect. He doubted the propriety, under the idea of referring the subject to committees, of thus cutting up any proposition submitted by a member of the House.

Mr. ROSS moved to refer this clause to a Committee of the whole House, because he conceived it to involve a great Constitutional question, which, in the first place, ought to be settled in Committee of the Whole. The important question which ought to be considered, is, whether the Congress of the United States are vested with any authority whatever to institute or charter institutions of this kind? On this point he did not express an opinion; but he was confident it was a question which had divided the ablest heads and the best hearts of the country, and therefore should be maturely considered.

Mr. LOVE concurred with Mr. ROSS in opinion as to the importance of the Constitutional question. By the report of the committee on the petitions of the Banks of the District, this morning referred, the subject was expressly before a Committee of the Whole. This motion might be referred to that Committee. Unquestionably, from

the magnitude of the subject, it should first be discussed in Committee of the Whole.

Mr. J. NICHOLSON said that, since he had offered the first resolution, a part of which was now proposed to be referred, he had entertained some doubts of the constitutionality of the measure, which were not yet wholly removed; and he had, therefore, no objection to the reference to a Committee of the Whole for full discussion.

The motion to refer to a Committee of the Whole was negatived.

The motion to refer to a select committee was negatived by a large majority.

The subject, of course, still lies on the table.

SEA-LETTER VESSELS.

The House resolved itself into a Committee of the Whole, on the bill to prevent the issuing of sea-letters, except to certain vessels.

Some desultory debate took place on the bill, in which Messrs. NEWTON, QUINCY, DANA, MARRION, R. JACKSON, McKIM, LIVERMORE, and MUMFORD, partook; Mr. JACKSON alone appearing to be opposed to the object of it, which was stated to be, to prevent those vessels, considered by our revenue laws as foreign vessels, from claiming the protection of the American flag on the sea, and thus favoring frauds by means of forged papers.

The bill, after being amended so as to exclude from the operation of the law vessels now owned by citizens of the United States, was reported to the House.

On the suggestion of Mr. DANA, it was ordered to lie for consideration until to-morrow.

The bill to revive and make permanent an act providing the mode of taking evidence in cases of contested elections, and to compel the attendance of witnesses in such cases, went through a Committee of the Whole, and was reported to the House. But, before any order was taken on it, the House adjourned.

WEDNESDAY, February 7.

Ordered, That the petition and documents of John Davis, administrator of Samuel G. East, accompanying a bill for the benefit of the estate of Samuel G. East, be referred to the Secretary of the Navy.

Mr. JOHNSON, from the Committee of Claims, presented a bill for the relief of William Hastings; which was read twice, and committed to a Committee of the whole House on Monday next.

Mr. JOHNSON presented a petition of the Governor, Judges, and Secretary, of the Illinois Territory, praying to be permitted to locate such quantities of the land of the United States as they are required by the tenor of their respective offices to hold, upon such terms and restrictions as Congress may deem proper to prescribe.—Referred to the Committee on the Public Lands.

Mr. BASSETT, from the Committee on the Naval Establishment of the United States, to whom was referred several petitions of the officers of the Navy, presented a bill in relation to the pen-

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sions and rations of the officers of the Navy; which was read twice, and committed to a Committee of the Whole on Monday next.

An engrossed bill to extend the time for locating Virginia military warrants, and for returning surveys thereon to the Secretary of the Department of War, was read the third time, and passed.

Mr. LOVE offered the following resolution, declaring his object to be merely to refer it to the same Committee of the Whole to whom other resolutions on the same subject are referred, that it might come under consideration whenever the claim to the batture should be further considered:

Resolved, That the United States, by virtue of their sovereign authority, claim and have the sole right to the batture situate below high water mark in the river Mississippi, in front of the suburb St. Mary, in the city of New Orleans."

The resolution was read, and referred to the Committee of the Whole, to whom is committed the resolutions proposed by Mr. SHEFFEY, relative to the said batture.

SEA-LETTER VESSELS.

The House took up for consideration the report of the Committee of the Whole on the bill "to prevent the issuing of sea-letters, except to certain vessels."

Mr. MUMFORD spoke in favor of the passage of the bill as going to favor American navigation and ship building, and to benefit the real American merchant. He was astonished that the gentleman from Rhode Island (Mr. JACKSON) could be opposed to it; as, if comparisons were allowable in such a case, it would tend to promote almost exclusively the interests of the Northern States.

Mr. DANA explained at considerable extent the nature and operation of the various documents or muniments now furnished to American vessels navigating the ocean. He advocated the bill, and reduced the question on the expediency of the bill to this point: Whether the House would not say that the privilege of the American character should be confined to vessels either built in the United States, or captured in war by citizens and lawfully condemned as prize, or adjudged to be forfeited for a breach of the laws of the United States, and owned by citizens of the United States.

Mr. R. JACKSON moved an amendment, the object of which was to postpone till the first of June next the operation of the bill.

This motion was supported by the mover, and by Messrs. ROSS, QUINCY and PITKIN; and opposed by Messrs. MUMFORD, NEWTON, DANA, and McKIM.

The reasons assigned in favor of it were, that, without such an amendment, the bill would have an extremely injurious operation on those citizens who might, without a knowledge of the law, purchase condemned American vessels abroad and bring them to the United States, where they would be disappointed in obtaining that privilege which alone could make them valuable, and which they had a right to expect when they purchased. It was said that many vessels, say forty

or fifty, were under seizure in the ports of Denmark, and probably many would be condemned, which might be purchased at a low rate by citizens, under the idea of obtaining sea-letters, which by the bill are refused.

To this it was replied, that if the owner of a condemned American vessel re-purchased his property, it was already provided by the laws of the United States that his vessel should receive a new register; that if any other person than the owner purchased, it would be a species of speculation on the property taken prize, which ought not to be encouraged. The amendment as proposed, it was said, would throw wide open the door to the purchase, previous to the day named, of British, French, Danish, Swedish, and other foreign vessels, with a view to a profitable speculation in converting them into sea-letter vessels; and would therefore in some measure defeat the object of the bill, which was to put an end as soon as possible to this species of vessels.

The motion to amend was negatived, 56 to 39.

Mr. DANA moved an amendment, which he thought would obviate all difficulty, viz: to except from the operation of the bill "ships or vessels built in the United States, and arriving within some of the ports of the United States before the — day of — next." This motion was opposed by Mr. NEWTON and Mr. FISK, who declared it in principle the same amendment just negatived; and supported by Messrs. PITKIN, R. JACKSON, DANA and ROSS.

The question was taken on filling the blank in the amendment with the first day of June, and negatived, 47 to 36; with the 15th day of May, and negatived, 54 to 41.

Mr. DANA then accepted the first day of May as a part of the amendment; and, as amended, the motion of Mr. DANA was finally negatived; yeas 56, nays 61, as follows:

YEAS—Willis Alston, Daniel Blaisdel, James Breckenridge, John C. Chamberlain, William Chamberlin, Epaphroditus Champion, Martin Chittenden, Samuel W. Dana, William Ely, James Emott, Charles Goldsborough, Thomas R. Gold, William Hale, Nathaniel A. Haven, Daniel Heister, William Helms, James Holland, Jonathan H. Hubbard, Richard Jackson, junior, Robert Jenkins, Philip B. Key, Herman Knickerbacker, Joseph Lewis, jr., Edward St. Lo, Livermore, Robert Le Roy Livingston, Matthew Lyon, Vincent Matthews, Pleasant M. Miller, William Milnor, Jonathan O. Moseley, Thomas Newbold, Joseph Pearson, Benjamin Pickman, jr., Timothy Pitkin, jr., Elisha R. Potter, Josiah Quincy, John Ross, Lemuel Sawyer, Daniel Sheffey, Dennis Smet, John Smiley, William Stedman, James Stephenson, Lewis B. Sturges, Jacob Swoope, Samuel Taggart, Benjamin Tallmadge, John Thompson, Uri Tracy, Jabez Upham, Nicholas Van Dyke, Killian K. Van Rensselaer, Laban Wheaton, Ezekiel Whitman, James Wilson, and Robert Witherspoon.

NAYS—William Anderson, David Bard, Burwell Bassett, William W. Bibb, Adam Boyd, John Brown, Robert Brown, William A. Burwell, William Butler, Joseph Calhoun, Matthew Clay, John Clapton, Howell Cobb, James Cochran, James Cox, William Crawford, Henry Crist, Richard Cutts, John Dawson, Joseph Desha, William Findley, Jonathan Fisk, Gideon Gard-

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ner, David S. Garland, Thomas Gholson, jun., Edwin Gray, Benjamin Howard, Jacob Hufty, Richard M. Johnson, Walter Jones, Thomas Kenan, William Kennedy, John Love, Aaron Lyle, Robert Marion, Samuel McKee, Alexander McKim, John Montgomery, Gurdon S. Mumford, Thomas Newton, John Porter, Peter B. Porter John Rea of Pennsylvania, John Rhea of Tennessee, Matthias Richards, John Roane, Erastus Root, Ebenezer Sage, Ebenezer Seaver, Adam Seybert, Samuel Shaw, John Smilie, George Smith, Henry Southard, Richard Stanford, John Taylor, George M. Troup, Charles Turner, junior, Archibald Van Horn, Robert Weakley, and Richard Winn.

The bill was then ordered to be engrossed for a third reading to-morrow.

The following is the bill, as amended :

"*Be it enacted, &c.,* That in future no sea-letter or other document, certifying or proving any ship or vessel to be the property of a citizen or citizens of the United States, shall be issued, except to ships or vessels duly registered or enrolled and licensed as ships or vessels of the United States, or to vessels at this time owned by citizens of the United States and already furnished with sea-letters or other custom-house documents; any law or laws heretofore passed to the contrary notwithstanding."

DETACHMENT OF MILITIA.

The House resumed the consideration of the report of the Committee of the Whole on the bill authorizing a detachment of the militia of the United States.

Mr. DANA observed that the bill provided that the quotas to be draughted from the States respectively should be apportioned according to the return of militia received at the office of the Department of War from each State. He wished to offer an amendment to this part of the bill, because from some of the States returns might have been regularly received, whilst from others returns might not have been received for six or seven years. The liability to be called into service to perform militia duty, Mr. D. remarked, was a species of capitation tax, paid not in money but in service; and, being a direct tax, should be, as the Constitution provides, apportioned among the several States according to their respective numbers. If the States were liable to militia duty only according to their returns, the more of their citizens they exempted from militia duty, the smaller would be their proportion of the public burden which a requisition of militia service imposed. The numbers of militia increased with the ratio of population; and of course those States, whose returns for several years past were defective, would not bear their due proportion of this capitation tax. Where returns were thus wanting, he presumed the most equitable mode would be to apportion the militia according to their representation in Congress. With this view he moved to amend the bill by adding, after the clause of the bill which prescribes the mode of apportioning the detachment where returns are defective, the words "according to the ratio of representation for the States respectively, and by such other data as he shall judge equitable for the respective Territories."

Mr. KEY doubted whether he correctly under-

stood the object of the amendment. If he did, its operation would be extremely unjust on the Southern States, whose representation was partially founded on their black as well as white population, and who were therefore unfortunately weaker than the States differently situated, if they were on that account to furnish more than their proportion in detachments of militia.

Mr. DANA said the gentleman had understood his object correctly. He certainly meant, where the proper officers in a State had neglected their duty in making returns, that the quota of that State should be apportioned according to its ratio of representation.

Mr. KEY said he had no idea of inflicting on States a punishment of this kind because their officers had not made the proper returns. The principle would operate more injuriously than was necessary to enforce the laws, and he did not think a principle so unjust ought to be adopted to enforce the laws of the Union, when other means of doing it were within the power of Congress.

Mr. DESHA observed that, in addition to other objections, such a provision would operate injuriously in another respect. Since the present representation had been apportioned, some States had nearly doubled their population, and they would not, where returns were defective, according to this amendment, be called upon for their proper proportion. He presumed no gentleman could wish to prevent the Western people from furnishing their full quota of men for the public service. Such a provision as this would deprive his constituents of the privilege of turning out their proportion if their country should require their assistance.

Mr. DANA said he did not know how far being draughted in the quotas of militia would be deemed a great privilege in the Western country; but, however great it was, the deprivation of it would not be very injurious in those States which had not for some years sent an inspector's return of militia, nor even written a letter to the Secretary of War. As respected certain parts of the Union, where the Executives of the States were habituated to issue orders to the proper officers, to inform them that the quotas should be detached and equipped, and where, on failure of attending promptly to their duty, the officers were liable to be tried and punished, and where the execution of the law was a considerable tax on the citizens concerned, both as to time and property, he had some doubt whether it was esteemed a very great privilege to be draughted from the militia. It might be so where a sufficient number turned out and equipped themselves as volunteers, so as to render a draught unnecessary. The contribution of either property or service to the country, Mr. DANA said, was in the nature of a direct tax. The compliance with requisition of a quota of militia required a portion of the time and property of the individual, and operated in the nature of a capitation tax. In the part of the country to which he belonged the liability to be called into actual service was not felt as a privilege. The right to have a well regulated

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militia, and to bear arms, was a right which they claimed as a security against domestic usurpation or foreign invasion. But it was felt to be a tax on the individual to be obliged to be equipped for regular militia duty, and in consequence of this exemptions were in some cases granted from other taxes. The principle of the amendment was, that if the States attended to their duty in making the proper returns of militia, no burden would be laid on them which was not in the same manner imposed on other States; if not, that they should contribute to this direct tax in proportion to their representation.

Mr. TROUP said that the operation of the amendment was one thing, and its principle another, and wholly different thing. The operation of it would be such as the gentleman, he was convinced, did not design; but he could not at the same time help condemning the principle on which the amendment was founded. He said he had always understood that the Constitution of the United States was the result of mutual compromise and concession of privileges and rights on the one hand, for rights and privileges on the other. We (said Mr. T., alluding to the Southern States) paid for our privileges, and the price of them is as distinctly marked in the Constitution as the privileges themselves. And does the gentleman call upon us, in addition to this price, to pay the discriminating tax proposed by this amendment to be levied on us? The gentleman from Connecticut cannot be serious. He understands too well the Constitution of his country and the principles on which it is founded. The operation of the amendment will unquestionably be unequal. Connecticut is one of the Northern hives, and sends out annually a greater proportion, I make no doubt, than the natural increase of her population. And certainly, if the population of Connecticut has been stationary for the last ten years, whilst other States have increased and doubled their numbers, Connecticut will be called upon for her full quota, whilst other States will not be called upon for one half of their proper proportion.

Mr. TALLMADGE said he much doubted whether the amendment which his colleague had proposed would be a correct remedy for the evil said to exist; it certainly, however, could not apply, if there were returns from all the States on which an apportionment could be made. A law had some years ago been passed in which the Executives of the several States were called upon to make annual returns of their militia to the General Government. Mr. T. said he could hardly believe that there was any State in the Union which had not made these returns. If there was such a State, he said he should accord in an amendment which should give a more perfect clue by which the apportionment could be made. But he could not consent to mulct any one of the States for the neglect of its officers, in any mode which would operate as unequal as that proposed in the amendment. He was therefore opposed to the motion.

Mr. SOUTHWARD concurred in the idea, that militia service was a capitation tax; and con-

ceived that it would be desirable that the tax should be apportioned according to the real numbers of the militia in each State. At present the tax operated severely on those who were most faithful in making their returns. Returns had been made by some States annually, and by others not for two or three years. There were States containing 150,000 souls which returned but 23,000 militia. Other States returned a greater proportion. New Jersey, for instance, returned 33,000. He found by the returns that the number of militia accumulated every year; and, of course, if the apportionment were to be made according to the returns actually received, those States which were punctual in making returns would have to pay much more than their proportion of this tax. The bill under consideration he therefore thought unequal in its operation, and was unwilling to take it in its present form. With respect to the amendment, however, he agreed that it was not proper, because of the proportion of black population presented in some of the States. Wishing time to consider of the best mode of amending the bill, he moved to postpone the further consideration of the subject till to-morrow.

Mr. KEY said that although the argument of the gentleman from Connecticut (Mr. DANA) was a very ingenious one, it was not correct. The ingenuity, said Mr. K., is in this: he contends that militia duty is personal service, and as such that it is a capitation tax; and, assuming as correct the principle that it is a capitation tax, that it should be apportioned according to representation. In the quota of taxes, sir, we pay for our blacks; we pay a proportional tax according to the ratio of representation, as the Constitution directs. But the argument is incorrect in this: Our laws provide that free white males alone shall perform militia duty; and the States respectively pay their full proportion of that duty when they bring forward their proportion of white population. The gentleman wishes us to perform this duty not according to our own white population, but according to our representation. But everything is retained to the States respectively, or to the people, which is not taken from them by the Constitution—and I call upon gentlemen to show what part of the Constitution says that the Southern States shall bring forward for militia duty more than their proportion of white population. The Constitution being silent on this point, the argument cannot be correct. Representation and direct taxation are precisely specified and linked together in the Constitution; but, because militia duty is said to be in the nature of a capitation tax, it does not follow that it should be apportioned according to representation. The conclusion does not flow from the premises.

The question was taken on postponing the further consideration of the bill till to-morrow, and carried. And the House adjourned.

THURSDAY, February 8.

A motion was made by Mr. LIVINGSTON, that the House do now adjourn; and the question be-

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ing taken thereon, it was determined in the negative—yeas 4, nays 83.

An engrossed bill to prevent the issuing of sea-letters, except to certain vessels, was read the third time, and passed.

On motion of Mr. LYON, the bill from the Senate in addition to an act to regulate the laying out and making a road from Cumberland in the State of Maryland to the State of Ohio, was passed through a Committee of the Whole, and ordered to be engrossed for a third reading to-morrow.

DETACHMENT OF MILITIA.

The House resumed the consideration of the unfinished business of yesterday.

Mr. DANA's amendment yet under consideration—

Mr. TROUP moved to amend it by adding the following words, declaring his object to be merely, by showing how improper the one proposition was, to display more strikingly the deformity of the other:

"And that the State of Connecticut, in consideration of her admission to the Senate of the United States, on terms of equality with the States of New York and Pennsylvania without equivalent concession, be required to furnish a quota of militia proportioned to her representation in that body."

MESSRS. BUTLER, PICKMAN, TROUP, TALLMADGE, TAYLOR and SMILIE, opposed Mr. DANA's amendment, and Mr. DANA and Mr. ROSS supported it.

Mr. TALLMADGE read an extract of a letter which he had this day received from the Secretary of War, containing information to this effect: "There is no State in the Union which has not made its returns of militia according to law."

Mr. QUINCY made a motion superseding the motions under consideration, viz: to strike out that part of the bill providing for cases of deficient returns. As there was no such case, there was no occasion for such a provision.

Mr. SOUTHWARD moved to recommit the bill to a select committee, with a view to inquire into the practicability of more equitably apportioning the quotas than has heretofore been done.

The motion was carried, MESSRS. SOUTHWARD, FISK, ROSS, TALLMADGE, and DANA, supporting it; and the bill was referred to a committee of twenty members.

CANALS AND ROADS.

Mr. P. B. PORTER.—I have risen, sir, for the purpose of asking the attention of the House to a subject, than which, I may confidently say, there is no one, that regards our domestic policy, more important or which more loudly calls for the interposition of the National Legislature.

The subject to which I allude, is the internal improvement of the United States by roads and canals. And I intend, before I sit down, to offer a resolution, the object of which will be to ascertain the sense of the House in relation to the expediency of appropriating a part of the public lands to such improvements.

I am not in the habit of trespassing upon the patience of the House, and I am sure that no

apology will be required for the time I may occupy in presenting such general views of this subject, as the importance of it seems, in my opinion, to demand. I know that the time of the House is precious—I am aware that there are many matters connected with our foreign relations, that have strong claims to its attention; but they surely ought not to exclude every other subject of legislation. I have the honor to represent a portion of the country which is perhaps as little affected by our exterior commercial relations as any part of the United States; and yet I listen, with great attention and interest, to the various plans and propositions which are daily submitted, and discussed in this House, and with which indeed its time is almost exclusively occupied, for the protection and security of commerce; and I trust that I shall show by my vote, on every proper occasion, that I consider my constituents as bound to support with their persons and their property, and to the last extremity, the just rights of this country. On the other hand, I have a right to expect that the gentlemen who represent the mercantile interest will not only hear with patience the proposition I am about to submit, but that they will thank me for the fair opportunity, I intend to afford them, of proving the sincerity of those professions which we hear so often and so loudly made on this floor, in favor of the agricultural interest. The gentlemen tell us that commerce is only the handmaid of agriculture; and that their zeal to protect commerce arises merely from a desire to promote, through its instrumentality, the great interests of agriculture. I shall not question the sincerity of these declarations, nor the correctness of the principle they assert; but it is to be presumed that the gentlemen will be as willing to give a direct encouragement to agriculture, as to do it indirectly through the medium of commerce.

It will be recollected that a bill was some days ago laid on your table, from the Senate, embracing the subject of roads and canals. What course this bill has already taken, or what may be its ultimate fate in that House, were it possible for me to conjecture, it would be improper for me to state in this place, especially in the present state of my feelings on that subject. I maintain this bill only because I had some little share in producing it, in the form in which it appears on your table, and in which it originally appeared in the Senate; and because it therefore shows my ideas of a practical mode of carrying the objects of the resolution into effect. And I must beg the House to bear in mind the provisions of that bill, in weighing the observations which I am about to offer, should these observations be so fortunate as to gain the ear of the House.

It is possible that some of the views which I am about to take of this subject may be considered as too extravagant and remote, and that they may at first even wear the appearance of affectation; I hope, however, it will be recollected that the subject is in itself of vast magnitude and extent; and that, in order to speak of it with any

degree of justice, it will be necessary to consider it in reference to the great and correspondent effects which it is calculated to produce. And permit me, in the first place, to say, sir, that some great system of internal navigation, such as is contemplated in the bill introduced into the Senate, is not only an object of the first consequence to the future prosperity of this country, considered as a measure of political economy, but as a measure of State policy it is indispensable to the preservation of the integrity of this Government.

The United States have for twenty years past been favored in their external commerce, in a manner unequalled perhaps in the history of the world. Our citizens have not only grown rich, but they have almost gone mad in pursuit of this commerce. Such have been its temptations, as to engage in it almost the whole of the floating capital of the country, and a great part of its enterprise; and every other occupation has been considered as secondary and subordinate. This extraordinary success of commerce has been owing partly to our local situation, partly to the native enterprise of our citizens, but primarily to the unparalleled succession of events in Europe. The course of these events, before so propitious to our interests, has of late very materially changed, and with it has changed the tide of our commercial prosperity. I am far however from believing that this sudden reverse may not eventually prove fortunate for the true interest of the United States. The embarrassments which the belligerents have thrown in the way of our external commerce, have turned the attention of the people of this country to their own internal resources. And in viewing these resources we perceive with pride that there is no country on earth which, in the fertility of its soil, the extent and variety of its climate and productions, affords the means of national wealth and greatness in the measure they are enjoyed by the people of the United States. If these means are properly fostered and encouraged by a liberal and enlightened policy, we shall soon be able not only to defend our independence at home, which however I confidently trust we have now both the ability and the disposition to do, notwithstanding the fears that are attempted to be excited on this subject, but we shall be able to protect our foreign commerce against the united power of the world. One great object of the system I am about to propose, is to unlock these internal resources—to enable the citizen of one part of the United States to exchange his products for those of another, and to open a great internal commerce, which is acknowledged by all who profess any skill in the science of political economy to be much more profitable and advantageous, than the most favored external commerce which we could enjoy. The system, however, has another object in view not less important.

The people of the United States are divided, by a geographical line, into two great and distinct sections. The people who live along the Atlantic on the east side of the Alleghany moun-

tains, and who compose the three great classes of merchants, manufacturers, and agriculturists, and those who occupy the west side of those mountains, who are exclusively agriculturists. This diversity and supposed contrariety of interest and pursuit between the people of these two great divisions of country, and the difference of character to which these occupations give rise, it has been confidently asserted and is still believed by many, will lead to a separation of the United States at no very distant day. In my humble opinion, sir, this very diversity of interest will, if skillfully managed, be the means of producing a closer and more intimate union of the States. It will be obviously for the interests of the interior States to exchange the great surplus products of their lands, and the raw materials of manufactures, for the merchandise and manufactured articles of the Eastern States; and on the other hand, the interests of the merchants and manufacturers of the Atlantic will be equally promoted by this internal commerce; and it is by promoting this commerce, by encouraging and facilitating this intercourse—it is by producing a mutual dependence of interests between these two great sections, and by these means only, that the United States can ever be kept together.

The great evil, and it is a serious one indeed, sir, under which the inhabitants of the Western country labor, arises from the want of a market. There is no place where the great staple articles for the use of civilized life can be produced in greater abundance or with greater ease. And yet, as respects most of the luxuries and many of the conveniences of life, the people are poor. They have no vent for their produce at home; because, being all agriculturists, they produce alike the same articles with the same facility; and such is the present difficulty and expense of transporting their produce to an Atlantic port, that little benefits are realized from that quarter. The single circumstance, of the want of a market, is already beginning to produce the most disastrous effects, not only on the industry but upon the morals of the inhabitants. Such is the fertility of their lands, that one half of their time spent in labor is sufficient to produce every article, which their farms are capable of yielding in sufficient quantities, for their own consumption, and there is nothing to incite them to produce more. They are, therefore, naturally led to spend the other part of their time in idleness and dissipation. Their increase in numbers, and the ease with which children are brought up and fed, far from encouraging them to become manufacturers for themselves, puts at a great distance the time when, quitting the freedom and independence of masters of the soil, they will submit to the labor and confinement of manufacturers. This, sir, is the true situation of the western agriculturist. It becomes then an object of national importance, far outweighing almost every other that can occupy the attention of this House, to inquire whether the evils incident to this state of things may not be removed, by opening a great navigable canal from the Atlantic to the Western

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States; and thus promoting the natural connexion and intercourse between the farmer and the merchant, so highly conducive to the interests of both. This brings me more immediately to the object of the resolution which I shall have the honor to submit. And I must beg the indulgence of the House while I attempt to show, by a geographical detail, not only the importance but the practicability of such navigation.

The great ranges of mountain, continued from the circular mountain in Georgia on the south, to the Mohawk river in the State of New York, on the north, intercept and destroy the navigation of all the rivers which discharge into the Atlantic and approach the Western country. But when you have passed these mountains from the Atlantic, that country opens a scene of natural internal navigation unequalled in the world. The face of the country is so uniformly level as to make almost every small stream, by which it is intersected, navigable for boats of considerable size. The chain of Western lakes, extending from the northeastern extremity of Lake Ontario to the southwestern termination of Lake Michigan, affords now an excellent navigation, for vessels drawing ten feet of water, of fourteen hundred miles in extent—uninterrupted, except by the falls and rapids of Niagara, a distance of only eight miles. To the south and west of these lakes the waters of the Ohio and Mississippi approach within short distances of, and are interlocked by the waters of the lakes. The lands along these dividing waters are generally level; and the rivers are navigable and might be connected by short canals at little expense. I will mention some of the principal points at which these connexions might be formed.

On the southwestern part of Lake Erie, in the State of New York, there is a portage of eight miles from that lake, called the Chataqua. The Chataqua is the reservoir or source of one of the branches of the Alleghany river, and this stream is navigable from the lake to Pittsburg, on the Ohio, for boats of thirty tons burden. The waters of the Chataqua are higher than those of Lake Erie, to which there is a gradual and regular descent of land; and a canal might be opened between them at a very moderate expense.

On the south side of Lake Erie, in the State of Pennsylvania, there is another portage of fifteen miles over an artificial road, from Presqu'isle to French creek, another branch of the Alleghany, and which is also navigable for boats carrying 200 barrels. Over these two portages was sent, during the last summer, more than 100,000 bushels of salt, manufactured in the interior of the State of New York, and transported through lakes Ontario and Erie, across these portages and down to Pittsburg, for the use of the inhabitants of the Ohio and its tributary streams. This salt trade was commenced about seven years ago, and has been increasing ever since, at the rate of twenty-five per cent. a year. And if the great line of navigation, to which I shall presently call the attention of the House, were opened, the people of

the Ohio, and its various waters would be supplied with that great and necessary article of life, fifty per cent. cheaper than it now costs them.

About 100 miles to the west of Presqu'isle, in the State of Ohio, the river Cuyahoga opens a good boat navigation from Lake Erie to within six or eight miles of the navigable waters of the Muskingum; and I understand that a communication is about to be opened between them, either by means of a canal, or an artificial road, under the patronage of the Legislature of that State.

About 150 miles still further to the west, in the Territories of Michigan and Indiana, other communications may be formed between the waters of the Miami of Lake Erie, and the Wabash and Miami of the Ohio.

At the southwestern extremity of Lake Michigan, the most inconsiderable expense would open a canal between the waters of that lake and the Illinois river, one of the principal branches of the Mississippi. Nature has already made this connexion nearly complete; and it is not uncommon for boats, in the Spring of the year, to pass from the lake into the Illinois, and from thence by the waters of the Illinois and Mississippi to New Orleans, without being taken out of the water.

Further to the north, a connexion might be formed with nearly the same facility between the waters of the Fox river which discharges into Green Bay, and the Wisconsin, another branch of the Mississippi; and the lands adjacent to these rivers are said to be uncommonly rich and fertile.

From this view of the Western country, and the great extent of its natural internal navigation, we perceive the advantages to be derived by opening it to the Atlantic by a great canal; and we discover also, at the same time, that it is not very important to the inhabitants, by what line this canal approaches them, as their interests would be almost equally promoted by any route that might be adopted. I presume, however, there can be no doubt on this point.

The Alleghany mountains have a uniform elevation of about 3,000 feet above the level of the tide. Their bases, together with those of their parallel ridges, occupy a distance, transversely, of about 100 miles. They present a barrier to the opening of any continued navigation from the Middle States to the Western country, which, if not beyond the reach of art, it is certainly far beyond that of our present national resources to surmount. An inspection of the map will at once point out this leading fact. To unite the highest navigable waters on each side of the mountains, by good roads, is all that can for some years, and perhaps for some centuries, be attempted; and very valuable communications may be opened in this way.

To the south and west of these mountains, the river Mississippi affords an invaluable descending navigation to the inhabitants of the vast countries which it traverses. But, such is the great extent of that river, and the uniform rapidity of its current, that great doubts are entertained whether it can ever be made a valuable ascend-

ing navigation. It certainly cannot, in the present state of the science of navigation, even with the improvements of the steamboat. To the north, still more important difficulties present themselves in the navigation of the St. Lawrence. One of these is found in the great rapids of that river, and another in the severity of the climate, which is such as to shut up the mouth of the river with ice, for six or seven months in a year. The only practicable route for an ascending navigation to the lakes, is by way of the Hudson and Mohawk, in the State of New York, the Hudson being the only river whose tide waters flow above the Blue Ridge, or eastern chain of mountains. The Mohawk rises in the level lands of the Western country, in the vicinity of Lake Ontario, from whence it takes an easterly direction for about 140 miles near to Albany, the seat of government of the State of New York where it passes around the northern extremity of the western chain of Allegany mountains, and falls into the Hudson. From thence the two rivers united take a southerly course, and, breaking through the east chain of mountains, commonly called the Blue Ridge, at West Point, fall into the Atlantic at New York. The Hudson is navigable from New York to the mouth of the Mohawk, a distance of 170 miles, for sloops drawing from eight to ten feet of water. The Mohawk is a river of respectable size, and for most of its distance deep and navigable; but its navigation is occasionally interrupted by falls. A canal of any extent may be made along the margin of this river, and supplied with its waters, as high as Rome, which is one hundred and twenty miles from its mouth. From Rome a canal of one and an half mile in length, over lands which do not rise more than nine feet above the bed of the river, will connect it with the waters of Lake Ontario, down which the canal may be continued (about sixty miles) to the lake. The highest elevation of this canal, at Rome, would be less than 400 feet above the tide-waters of the Hudson, and less than 200 above the surface of Lake Ontario. The whole expense of this canal, from the Hudson to the lake, is estimated by the Secretary of the Treasury in his very able report to the Senate of April, 1808, on the subject of roads and canals, at \$2,200,000; and I will take the liberty to recommend to the members of this House the perusal of that report, as containing a fund of the most useful geographical and other information, which, on every subject of political economy, that gentleman is so eminently qualified to impart.

From the place where this canal would connect with Lake Ontario, there is a ship navigation of two hundred miles to the falls of Niagara. A canal, with locks sufficiently large for the vessels that navigate the lakes, might be opened around these falls, at an expense, estimated by the Secretary of the Treasury at one million of dollars. From the Niagara river there is again a ship navigation to every part of Lake Erie. It is presumed that a canal might be opened from Lake Erie to the Ohio, for the sum of five hundred thou-

sand dollars, and another canal cut around the falls of the Ohio, for the like sum of five hundred thousand dollars. And from the falls of the Ohio there is a good navigation of near two thousand miles to the Gulf of Mexico. And thus, sir, for the sum of \$4,200,000, a great circumnavigation might be formed, embracing the principal part of the United States and their Territories; and connecting in its course, by navigable waters, the whole of the western and Atlantic countries. This canal would open to the navigation of the Atlantic on the lakes above, (inclusive of Lake Superior, the navigation to which is now obstructed by a short rapid in the river St. Mary's which connects it with Lake Huron; but which obstruction might be removed by an expence of thirty or forty thousand dollars.)—I say, sir, it would open to the navigation of the Atlantic on the lakes above, a coast of between five and six thousand miles, of as fine and fertile country as any in the world. And it would open on the Mississippi, and its various waters, a country not less fertile and still more extensive. How many hundred millions of dollars such an operation would add to the solid wealth of the Western country, I will not venture to conjecture. But, sir, I may well say, that there is no work in the power of man, which would give such life, such vigor, such enterprise and such riches to the citizens of that country, as the execution of this canal. The inhabitants near the lakes would have a direct communication to and from New York, by means of the canal, and the effect of it would be to double the price of their produce, and to add three or four hundred per cent. to the value of their lands. The people of the Ohio and Mississippi would descend with their produce to New Orleans and to any port on the Atlantic, from whence they might return with the articles received in exchange by way of Hudson and the lakes to their own homes. The idea of benefiting the people of the Ohio and Mississippi to any great extent by this Northern navigation, may perhaps, at first, appear visionary; but I can state it as a fact, that even at this time, under all the disadvantages of that route, goods may be transported from the city of New York, by the way of the Hudson and the lakes, to any part of the Ohio, and to all those parts of the Mississippi above its confluence with the Ohio, at as cheap a rate as they can be transported from any port on the Atlantic, by any other route. The effect of opening this navigation would then be to reduce the price of transportation to those parts of the country at least fifty and probably seventy-five per cent. Another important advantage, independent of the general commerce of the lakes, would be felt in the reduction of at least fifty per cent. in the price of salt. The salt springs in the State of New York, are within a few miles of the proposed line of circumnavigation, and are connected with it by a navigable river. This article may be manufactured at those springs in sufficient quantities for the whole of the population of the United States, and it is now sold there for twenty-five and thirty

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cents a bushel; but such is the present expense of transportation that it sells in the Pittsburgh market for two dollars a bushel. If the effect of opening a canal navigation were only to reduce the price at Pittsburgh to one dollar, it would make a saving on the quantity now sent to that market of one hundred thousand dollars a year. But, sir, aside from all the pecuniary benefits I have mentioned, the great political effect of this work would be—by opening extensive communications, encouraging intercourse, and promoting connexions between the various ports of the Atlantic and Western States, to subdue local jealousies, and to bind the Union together with the indissoluble ties of interest and friendship.

There may be some, sir, whose fears to do anything which shall diminish the national resources, may incline them to reject this system of internal improvement at the first view, on account of the magnitude of its expense. Let me ask these gentlemen to give themselves the trouble to trace the consequences of this system on the public wealth, and they will soon be satisfied that there are no possible means by which the aggregate value of the landed property of the United States could be so certainly increased, as by the application of part of these lands to the purposes of opening the great inland navigation which I have before described. The immediate and necessary effect of which would be, to enhance the value of the remaining part to an almost inconceivable extent.

I have been somewhat conversant with the interests of the great private landholders of the Western country. They are a class of people whose sagacity in discovering and industry in pursuing the means of accumulating wealth are not to be questioned. When they undertake the sale and settlement of wild lands, there is no policy so well understood or so generally adopted as that of opening easy and extensive communications, through the different parts of their lands, and of facilitating the approaches to them, by means of good roads. And for every dollar they expend in these roads, or indeed, in almost any other public improvement, they are sure to be remunerated three or four hundred per cent. in the increased value which is thereby given to these lands.

The United States are owners of about two hundred and fifty million acres of land in the Western country, independent of Louisiana. More than one hundred million acres lie in the vicinity of the lakes. The public lands occupy a coast on the lakes of more than two thousand six hundred miles in extent, inclusive of the navigable straits by which they are connected; but exclusive of the numerous and extensive islands abounding, more or less, in all of them. Taking thirty miles in breadth along this coast, will give about fifty millions of acres of public land, the most remote of which is within thirty miles of the navigable waters of the lakes. A canal might be effected from the Atlantic to the lakes by an appropriation of one million of acres to that object. And this, not by an actual sinking or sacrifice of

the price of the land, but by a conversion of it into canal stock, which stock would in all probability be more productive and more valuable than the land itself. And the effect of opening this navigation would be to enhance the value of the remaining forty-nine millions, some hundreds per cent. The value of land must depend upon the value of its produce, or, to speak with more precision, upon the profits which this produce will yield to the agriculturist. To show the effect of opening this navigation on these profits, I will instance the article of wheat, which is one of the great staple articles of the lake country, and is produced there with greater certainty and in greater perfection than in any other part of the United States. The average price of a bushel of wheat on the lakes is fifty cents. This depression of price is owing solely to the present expenses of conveying it to market. It costs from seventy-five to one hundred cents, to transport a bushel of wheat from the lakes to New York, which is its nearest American market. If a canal were cut from the Hudson to the lakes, there can be no doubt but it would reduce the expense of transportation from seventy-five and one hundred as low, at least as twenty-five cents; and the effect would be to add the saving in transportation to the price of the article, and wheat would then be worth on the lakes one dollar instead of fifty cents a bushel. But it costs the farmer from thirty to forty cents to produce a bushel of wheat. When, therefore, he sells for fifty cents, his profits are only from ten to twenty cents. Whereas, if he could sell for one dollar his profits would be from sixty to seventy cents. The effect then of opening this navigation would be to increase the profits of the farmer from four to six hundred per cent., and the value of land ought to rise in the same proportion. But suppose it should only double the value of lands, (and this is an effect not to be doubted,) what would be the result as respects the property of the United States? Why, sir, the fifty millions of acres on the lakes, which are now worth fifty millions of dollars would immediately become worth one hundred millions. And thus, besides performing a great and imperious duty, which as a Government we owe to the people of the Western country, we should by this operation, as mere proprietors of the soil, and in a matter of pecuniary speculation, advance the public property fifty millions of dollars!

But, sir, there are some gentlemen who are friendly to this system of internal improvement, but who think the present time inauspicious to such an undertaking, on account of the reduced state of the Treasury.

To this objection I would answer, first, that the means by which it is proposed to carry on these improvements, are such as are not calculated to make any sensible impression on the revenue. And, secondly, that the bare increase of the sales of land, which would be effected in consequence of undertaking these works, would more than supply the drains on the Treasury in constructing them. I do not know that I can

demonstrate the truth of this last position to the satisfaction of the House; but there is not the shade of a doubt on my mind, but the mere undertaking of a great canal from the Atlantic to the lakes, under the auspices of the General Government, would, in a very short time, cause the sale of more land than would be sufficient to accomplish the whole of the improvements contemplated in the bill before the Senate.

The expense of executing the whole of the works enumerated in that bill, is estimated at sixteen millions of dollars. This is not a mere random estimate of my own. It has been formed from the best information which the Secretary of the Treasury has been able to collect on this subject, by a gentleman (Mr. Latrobe) who, as an experienced as well as scientific engineer, is confessedly superior to any other in this country. The estimate was intended to be a liberal one, and to show the maximum price which the works could cost. If the United States were to be interested one half in these works, their subscription would amount to eight millions of dollars. The proposed plan, however, does not contemplate the payment of the principal sum out of, nor to make it chargeable upon our ordinary revenue. But it provides that, when moneys shall be wanted to carry on these internal improvements, certificates shall be issued from the Treasury, bearing an interest of *six per centum*, redeemable eventually out of the proceeds of a particular tract of land set apart, to be sold for that purpose. These certificates may be sold in market, or they may be immediately applied to the purposes for which they shall be issued.

Suppose, then, that the whole of these works were to be undertaken immediately, and completed within ten years; and suppose, too, that no moneys should be received from the sales of the hypotheated lands. The calls on the Treasury would then be.

For the first year - - - -	\$48 000
second - - - -	96 000
third - - - -	144 000
fifth - - - -	240 000
tenth - - - -	480 000

which sum of \$480,000 is the interest of the whole principal sum of eight millions. And this, sir, would not be a very large sum, compared to the magnitude of the object, and to the extent of our revenue; especially when it is considered that, after one year from this time, and before the effect of such an appropriation could be felt, our revenue will be relieved from the payment of two millions of dollars, and after two years, from the payment of four millions of dollars annually, in consequence of the reductions which will then have taken place in the principal of the national debt.

But it is to be presumed that not more than one-third of these works would be undertaken immediately; and that these would be completed before any others are begun. The works, as fast as they shall be completed, will be drawing a toll, equal at least, it is presumed, to the interest of the money they cost; and, in this way, the Treas-

ury will be relieved from the payment of that interest. Upon this calculation, the United States would never have to pay, in any one year, a greater sum than the interest of one-third of the principal sum of eight millions of dollars; and, in this case, the calls on the Treasury would be—supposing again that no aids were derived from the sale of lands—as follow:

For the first year - - - -	\$16,000
second - - - -	32,000
third - - - -	48,000
fifth - - - -	80,000
tenth - - - -	160,000

the highest sum called for in any one year.

Let us now see what will be the probable amount of the sale of land, within a given period, to forward the execution of these improvements.

The present population of the United States is estimated at seven and a half millions. It is well ascertained that our population doubles once in twenty-three years; and it certainly is increasing, at this time, in as high a ratio as at any former period. According to a calculation of Mr. Blodget, (in his statistical tables,) something more than one-third of the increasing population of the United States is constantly migrating to the Western country. One-third of the increased population, (or that portion which will migrate,) for the next twenty-three years, will amount to two and a half millions. But suppose that only two millions should emigrate, and that only one million of these should settle on the public lands. This population would require fifty millions of acres, or fifty acres to each person, which is about the average quantity taken by new settlers; and it would bring into the Treasury, in the space of twenty-three years, the enormous sum of one hundred millions of dollars, upon the supposition that the whole of the land should be purchased at the *minimum* price of two dollars an acre. It is probable, however, that it will sell much higher; and, if so, the aggregate amount of the sum will be increased in proportion to the increase of the price.

Such a demand for new lands may appear extravagant to those who have not attended to the progressive population and settlement of the United States for the last twenty years. A moment's recurrence to a few well known facts on this subject, will show that such a demand is not only probable, but that, unless some great national calamity befall us, it is certain. The population of the State of New York has considerably more than doubled within the last twenty years. Upwards of fifteen millions of acres, in the western part of that State, which, twenty years ago, formed a dreary and uninhabited wilderness, are now covered by settlements, and compose one of the most flourishing parts of the United States. Population and settlement have progressed nearly or quite to the same extent in the northern and western parts of the State of Pennsylvania. That tract of country which now forms the State of Ohio, did not contain, twenty years ago, one thousand inhabitants; and now it has a popula-

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tion of more than two hundred thousand. The great States of Kentucky and Tennessee have been almost wholly peopled within the same period; and it is not extravagant to say that more than one hundred millions of acres have been actually purchased and occupied within the last twenty years in the Western country.

It is true, sir, that the rate at which the public lands are now, and have been for some time past, selling, is not such as to warrant the calculation I have made as to future sales; but the causes of these sales being so contracted are obvious. One principal cause, which however will immediately cease to operate, because it is ceasing to be a fact, has been that the public lands were remote from the inhabited parts of the country. Settlements will always be regular and progressive. People accustomed to the pleasures and advantages of society do not choose to remove far into the wilderness when they can purchase lands in the vicinity of old settlements. Several of the individual States have held large tracts of wild land, which, being more contiguous to settlements, came, of course, first into market. But the lands of the individual States, especially to the northward, are now nearly all occupied. The State of New York, for instance, has but few new lands. Settlement, in that State, has advanced to its western extremity. The same is the case with Pennsylvania; and the whole of the immense emigration from the Northern and Middle States will be immediately pressing upon the public lands. Another reason for the paucity of sales is, that we have no lands in market calculated for this Northern emigration. The lands on the Lakes are shut up. We have no lands for sale further north than the south part of the State of Ohio, and that is too low a latitude for most of the Northern population.

Another impediment to the sales of public lands arises from the circumstance that you will receive nothing but specie in payment for them. The people who migrate to new countries are, with few exceptions, of the poorer class. They rarely have more than property sufficient to transport their families to their new places of residence; to construct a few temporary accommodations, and to subsist themselves and families until their farms become productive. They then calculate to pay for their farms by the produce of them. But the products of the public lands, in their present occluded situation, will not command money, and settlers are therefore deterred from purchasing. If, instead of confining the payments to money, you were to undertake this system of internal improvement, and issue paper receivable at the land offices, the additional facilities which this would afford to payments would not only bring back this paper into the Treasury, but large sums of money with it. To show the effect of such a policy, I need only refer to a comparative view of the sales of public lands during the time when the evidences of the public debt were receivable in payment for lands, and the sales that have taken place since that period. The sales in the year 1803 amounted to 199,080 acres.

In 1804 to	-	-	-	-	-	373,611	do.
1805 to	-	-	-	-	-	619,236	do.

During the whole of this time the public paper was received in payment. The amount of sales was increasing near one hundred per cent. yearly, and would probably have continued to increase in the same ratio to this time, had the same quantity of public debt been kept afloat, and had it continued to be received at the land offices. But, sir, in April, 1806, a law was passed prohibiting the further receipt of the public debt, in payment for land, and the consequence was that the sales diminished—

In 1806 to	-	-	-	-	-	473,217	acres
1807 to	-	-	-	-	-	284,180	do.
1808 to	-	-	-	-	-	195,579	do.
1809 to	-	-	-	-	-	143,409	do.

The sales thus retrograding in amount in about the same ratio in which they had before advanced, and this for no other assignable cause than what that law furnishes. But, sir, the grand and all-important operation by which only you can make extensive and effectual sales of the public lands, is to open the produce of them to market, and in this way to make them pay for themselves. Do this, and not only settlers, but moneyed men, will become purchasers. There are now thousands, and, I may say, millions of dollars, in the Northern States, ready to be invested in lands on the Lakes, the moment a value shall be stamped on them, by the certainty that they will be speedily opened to the navigation of the Atlantic. Let the United States and the State of New York undertake a canal from the Hudson to the Lakes; and, so far from draining your Treasury by the operation, it will give you in five years, I pledge my reputation on it, an overflowing Treasury. There can be no mistake about this business, sir; it is a matter of plain calculation.

The Government of the State of New York have long seen the advantages of such a navigation, and they have been for several years desirous of undertaking this canal. They wait only in the expectation that the General Government will aid them in this great work; and this is certainly a just and reasonable expectation, inasmuch as the work would benefit the property of the United States to a much greater extent than that of the State of New York.

The present time, far from being unpropitious to the undertaking of this measure of internal improvement, in my opinion, is peculiarly fortunate.

The great commercial capitals which have been thrown out of employment by the stagnation of foreign commerce are now idle, and might be engaged in these improvements by a little attention on the part of Government; and if they could be so engaged, they would continue to give support to a vast number of our sailors and other laborers, who have hitherto been employed in the subordinate occupations of commerce, but who have also been thrown out of employment by the stagnation of that commerce.

If I had not already drawn too largely upon the time of the House, I could point out other advantages resulting from this system of improve-

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ment not less important than those I have already mentioned. I could show that it would bring into the Treasury, perhaps some millions of dollars yearly, by the increase of duties on imports. The great additional quantities of produce which would be thrown into market through these roads and canals, would be exchanged for foreign merchandise, which is subject to heavy duties; and from which most of our present revenues are derived. I could show, also, the great advantages which, in a military point of view, would result from these improvements. If the United States were to be engaged in a war, we are equally vulnerable and equally liable to be assailed, at half a dozen different points, some hundreds and even thousands of miles distant from each other; and it would be impossible to carry on any vigorous military operations, without the aid of good roads and canals to transport over such distances the immense quantities of arms, ammunition, and provisions necessary to the supply of a great army. It is sufficient, however, that I suggest these arguments, and they will be properly appreciated by the House.

But, Mr. Speaker, there is one other point of view, in which, although an unpleasant one, I feel it my duty to present this subject to the House; and this regards not only the means of improving that great source of national wealth, the Public Lands, to the best advantage; but it involves the practicability of enjoying it at all. The people, who have purchased and settled on your new lands, are already your debtors to the amount of some millions of dollars; and in as far as they are your debtors, they are (to use a phrase perhaps somewhat too harsh) a species of enemy—and we have already seen to what a formidable extent their power and numbers are increasing. It is far from my intention, sir, to cast any injurious imputations on the character of these settlers. On the contrary, I know that they are not to be distinguished from the great mass of the yeomanry of this country; among whom is to be found most of the real patriotism, as well as the real strength of the nation. It is on them, that we are to depend for the security and permanence of our republican institutions. It is to them that this Government must resort for protection and support, in every great and dangerous crisis. I say, sir, that I am not about to impeach either the honesty or the patriotism of these settlers; it is their interest and their wish to pay their debts, and to discharge all their duties to Government as good and faithful citizens. But let me ask you, sir, let me ask any man of common observation, who has attended in the least to the present situation of the Western country, how it is possible for those settlers to pay you fifty or a hundred millions of dollars in specie, when they have no other resources than in their agriculture, and when the produce of this agriculture will not bring them money enough to buy their whiskey! It is impossible, sir, and if you intend to hold those lands, much more if you intend to make them a source of public revenue, you must furnish the means of making them productive, by opening

them to market. Every motive of interest and policy unites in urging the Government to undertake this system of internal improvement. It is a subject too vast to be accomplished by individual enterprise. The means of the citizens of the Western country are peculiarly inadequate to such an undertaking. They cannot construct canals, for the very obvious reason that they are already deeply in debt for their lands, and they must continue so until this great work is executed for them. They will then not only be able to pay you for their lands, but they will remunerate you for the expense of opening canals, by the tolls which they will be able to pay. In the advantages which these outlets for their produce will give them, and on which their prosperity must so essentially depend, you will have a pledge for their future attachment and fidelity to your Government, and which they will never forfeit. But, sir, if you neglect to avail yourselves of the opportunity, which this system affords, of securing the affections of the Western people—if you refuse to extend to them those benefits which their situation so imperiously demands, and which your resources enable you, and your duty enjoins it on you to extend to them—if, while you are expending millions yearly for the encouragement of commerce, you affect Constitutional doubts as to your right to expend anything for the advancement of agriculture—if you can constitutionally create banks for the accommodation of the merchant, but cannot construct canals for the benefit of the farmer—if this be the crooked, partial, side-way policy which is to be pursued, there is great reason to fear that our Western brethren may soon accost us in a tone higher than that of the Constitution itself. They may remind us (as the people of this country once did another Power, which was regardless of their interests) of the rights with which the God of nature has invested them, by placing them in the possession of a country which they have the physical power to defend: and which it is to be feared, they would defend against all the tax-gatherers we could send among them, supported by all the force of the Atlantic States.

It is unpleasant, sir, to be obliged to press considerations of this sort on the attention of the House. Disagreeable, however, as they are, they are not on that account the less important, and ought not to be disregarded. If you would attach the affections of the Western people to your Government, you must attach them by their interests. You must appear among them, not in the light of their creditors merely, but as their guardians, their protectors, as the promoters of their welfare. If you avoid all communication with them except what arises out of your relations as creditors, and go among them only to collect their money, be assured that this is an intercourse which they will soon break off. You have seen how effectual an opposition a few settlers in the north part of Pennsylvania have been able to make to the authority of that great State; and you have seen, in a more recent instance, the difficulties which a handful of squatters have opposed to the power of another great State, the State of Massachusetts—and from

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these examples you may well calculate the effects of an opposition from the host of settlers who are covering your new lands. But I have said enough on this subject.

I am under great obligation to the House, for the attention which I have received during the long discussion, and I will not trespass any further. In the various aspects in which I have presented this system of internal improvement, I have considered it principally in reference to the effects which it is calculated to produce on the Western country; because in that point of view I consider it not only most important, but much less understood. I have not gone into a particular examination of the benefits to be derived from the proposed canals and roads along the Atlantic, not because I do not think them important, but because this part of the subject is as well and perhaps better understood by the members generally than by myself. For the same reasons I have not gone into any minute calculations to show the superior cheapness and safety of canal transportation, over transportation by land. That point is fully illustrated in the report of the Secretary of the Treasury, to which I have before alluded. I believe, however, I have said enough, and more than enough, to satisfy the House of the importance of the subject, and of the propriety of referring it to a committee. This great system, so necessary, in my opinion, to the welfare of this country, is not a measure of speculative or doubtful utility. Its advantages are great and palpable; and the accomplishment of it is perfectly within the reach of the resources of the nation. I have not been induced to bring forward this resolution by any personal considerations, but I have done it in obedience to a great duty which I owe to my constituents. So far from being a project confined to myself, or even to a few individuals, the proposition, which I now submit, carries with it the anxious wishes, and the best hopes of a large and respectable portion of the population of this country—and permit me to hope, sir, that their expectations may not be disappointed.

Mr. PORTER then submitted his resolution:

Resolved, That a committee be appointed to examine into the expediency of appropriating a part of the public lands, or of the proceeds thereof, to the purposes of opening and constructing such roads and canals as may be most conducive to the general interests of the Union, and that they have leave to report by bill or otherwise."

After some conversation on the propriety of authorizing the committee to report by bill, the resolution was agreed to without a division, and a committee appointed, consisting of twenty members, viz: Messrs. P. B. PORTER, TROUP, TAYLOR, KENAN, BURWELL, HOWARD, WEAKLEY, McKIM, VAN DYKE, MILNOR, SOUTHARD, STURGES, BACON, J. PORTER, WILSON, CHITTENDEN, MORROW, POINDESTER, POYDRAS, and JENNINGS.

FRIDAY, February 9.

Ordered, That Mr. TALLEMADGE be excused from serving on the committee to whom was recom-

mitted yesterday the bill authorizing a detachment from the militia of the United States; and that Mr. MOSELEY be appointed of the said committee in his place.

Mr. JENNINGS, from the committee appointed on the 12th December, presented a bill disqualifying certain persons from acting as members of the Legislative Council and House of Representatives of the Indiana Territory; which was read twice, and committed to a Committee of the Whole on Monday next.

The bill sent from the Senate, entitled "An act in addition to the act to regulate the laying out and making a road from Cumberland, in the State of Maryland, to the State of Ohio," was read the third time; and, on the question that the said bill do pass, it was resolved in the affirmative.

The House resolved itself into a Committee of the Whole, on the bill for the relief of Richard Taylor. The bill was reported without amendment, and the further consideration thereof postponed until Friday next.

The House resolved itself into a Committee of the Whole on the bill concerning claims to lands in the Mississippi Territory, granted by the British Government of West Florida. The bill was reported without amendment, and ordered to lie on the table.

The House resumed the consideration of the bill for incorporating the Protestant Church of the town of Alexandria, in the District of Columbia; and the same being amended, a motion was made by Mr. MONTGOMERY to postpone indefinitely the bill; and the question being taken thereon, it was determined in the negative.

Ordered, That the said bill be engrossed, and read the third time on Friday next.

The following letter was laid before the House:

"KALORAMA, February 9, 1810.

"SIR: Having published a pamphlet explaining my experience on the practice and effects of torpedoes, I beg leave to present you, and each member of the House of Representatives, one copy. Should the House consider this subject of sufficient interest to merit further explanation, I shall be happy to give a lecture at such time and place as may be most convenient, in which I will exhibit the various modes of attack with torpedoes and harpoon guns, as prepared for action, with such models and demonstrations as will lead to a clear understanding of the subject.

"I have the honor to be, &c.,

"ROBERT FULTON.

"Hon. SPEAKER House of Reps."

Leave was given to present the pamphlets mentioned in the above letter, as requested.

DRAWBACKS.

Mr. NEWTON, from the Committee of Commerce and Manufactures, reported a bill to restrict the allowance of drawback to certain vessels.

[This bill provides that no drawback of duties shall be allowed on the exportation of any goods, wares, or merchandise, imported into the United States, after — day of — next, unless the same shall have been imported in a ship or vessel

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of the United States; and that, after the — day of — next, no drawback shall be allowed or paid on the exportation of any goods, wares, or merchandise, unless the same shall be exported in a ship or vessel of the United States, any law or laws to the contrary notwithstanding.]

The bill was twice read and referred to a Committee of the Whole.

CONVOY AND ARMING.

Mr. BURWELL, from the committee appointed on the subject, reported a bill authorizing the President of the United States to employ the public armed vessels, and permitting merchants to arm for the defence of the American commerce.

[The first section of this bill provides that the President of the United States be authorized and required to employ the public armed vessels of the United States, and laden with the produce of the United States, the property of such citizens, provided such produce is not contraband of war, and the said vessels shall not be bound to a blockaded port, or to any port or place belonging to or in the actual possession of any nation having in force orders, edicts, or decrees, against neutral rights, in violation of the law of nations.

The second section enumerates articles which shall be deemed contraband of war.

The third section provides that no port shall be considered as blockaded, unless actually invested with a sufficient force to render the entrance to it dangerous.

The fourth section provides that the commanders of the public armed vessels conveying, according to this law, shall permit the public armed vessels of any belligerent nation to visit and search on the high seas any private ship or vessel under their convoy, for the purpose of examining whether it be laden with enemy's property, or articles by this law declared contraband of war, or whether it be bound to a port actually blockaded.

The fifth section provides that the said commanders shall not permit any privateer, or other than a national armed vessel, to visit any vessel under their convoy.

The sixth section requires the commanders to resist, by force, the capture of any vessel under their convoy for any other cause than having enemies' property or articles contraband of war on board, or being bound to a port actually blockaded, and to continue such resistance so long as may be necessary for the protection of the vessels under their convoy.

The seventh section provides that vessels under convoy, agreeably to the provisions of the act, may be armed; that they shall permit search in cases before mentioned; but that they shall resist any search by privateers, letters of marque, or private armed vessels.

The eighth section provides that vessels described in the preceding section shall resist capture, &c., in the same manner as the commanders of the vessels conveying them are by this bill authorized to do.

The ninth section requires of every merchant vessel armed as aforesaid, previous to obtaining a clearance, bond that its guns and ammunition, &c., shall not be used for any unlawful purposes, but merely for resistance and defence in the cases authorized and specified in this act, and that such arms shall be returned within the United States.

The tenth section provides that vessels thus convoyed shall be subject to the signals of the commander of the armed vessels conveying, and to such rules and regulations as the President may, under the provisions of the act, establish for the government of the convoy.

The eleventh section limits the duration of the bill to a year, and from thence to the end of the next session of Congress thereafter.]

The bill was twice read and referred to a Committee of the Whole on Monday week.

EXPORTS FOR 1809.

The following report was received from the Secretary of the Treasury:

TREASURY DEPARTMENT, Feb. 7, 1810.

SIR: I have the honor to transmit herewith a statement of goods, wares, and merchandise, exported from the United States nominally during one year prior to the first day of October, 1809, but in fact during the six months and a half ending on that day, exportations having been prevented by the embargo till the fifteenth day of March, 1809.

The goods, wares, and merchandise, of domestic growth, or manufacture, included in this statement, are estimated at - - - - - \$31,405,702
And those of foreign growth or manufacture, at - - - - - 20,797,531

Amounting together to - - - - - \$52,203,233

The articles of domestic manufacture may be arranged under the following heads, viz:

Produce of the Sea	- - - - -	\$1,710,000
Forest	- - - - -	4,583,000
Agriculture	- - - - -	23,234,000
Manufactures	- - - - -	1,506,000
Uncertain	- - - - -	373,000
		<hr/> \$31,406,000 <hr/>

It is proper to add that the summary of the destination of those exports, being grounded on the clearances of the vessels, cannot be relied on under existing circumstances, as showing with precision their real destination. Thus, all the vessels actually destined for the dominions of Great Britain, which left the United States between the 19th of April and the 10th of June, cleared for other ports, principally, it is believed, for Sweden.

I have the honor to be, &c.,

ALBERT GALLATIN.

The Hon. SPEAKER of the Ho. of Reps.

The report and documents were ordered to be printed.

NAVIGATION OF THE MOBILE.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the House of Representatives of the United States:

I transmit to the House a report of the Secretary of State, complying with their resolution of the 22d of January.

JAMES MADISON.

FEBRUARY 9, 1810.

DEPARTMENT OF STATE, Feb. 8, 1810.

The Secretary of State, to whom the President has been pleased to refer the resolution of the House of Representatives of the 22d of last month, has the honor to state that it appears from the records in this department, that in the years 1801 and 1802, the Executive

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Torpedoes—Batture at New Orleans.

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had endeavored to obtain, for the citizens of the United States residing on the waters of Tombigbee and Alabama rivers, the free navigation of the Mobile river to its confluence with the ocean—first, by claiming this navigation as a natural right, sanctioned by the general principles of the law of nations applicable to rivers similarly situated; and, secondly, by endeavoring to purchase the country held by Spain on the Mobile.

These efforts were made before it was known that Spain had ceded Louisiana to France, and consequently before the purchase of that province by the United States. Since that purchase, the country held by Spain on the Mobile has been claimed as being included therein.

The Spanish Government, having objected to this claim in a manner which justified a belief that the question would not be soon decided, our Minister at Madrid was instructed again to claim the free navigation of the Mobile under the general principles of the law of nations, and to represent to His Catholic Majesty the propriety and necessity of giving orders to his officers not to interrupt the free communication with our Territories through the waters of the Mobile.

In addition to what has been done through this department, it appears that the Governor of the Orleans Territory, and other officers of the United States, have endeavored to induce the Spanish authorities on the Mobile to abstain from exacting duties on the passage of our merchandise or produce up or down that river. Notwithstanding, however, everything which has been done, it is understood that these authorities have continued to exact (with some occasional relaxations) a duty of twelve per cent. "on all articles of the growth or manufacture of the United States, which are conveyed through said river to and from the city of New Orleans."

All which is respectfully submitted.

R. SMITH.

MONDAY, February 12.

Mr. FISK, from the committee to whom was recommitted the bill providing for the third census, or enumeration of the inhabitants of the United States, reported the bill with several amendments; which were read, and, together with the bill, committed to a Committee of the Whole to-morrow.

Mr. WHEATON presented a petition of Deborah Gannett, of the State of Massachusetts, stating that she served as a soldier in the Massachusetts line of the Revolutionary army, by the name of Robert Shirliff; and that, in the course of the said service, she received several wounds, in consequence of which, she was, in the year 1803, placed on the pension list of the United States; and praying that her said pension may commence from her discharge from the army, in the year 1783.—Referred to the committee appointed, on the 26th ultimo, on the petition of Thomas Campbell.

A motion was made by Mr. RHEA, of Tennessee, that the House do come to the following resolution:

Resolved, That the President of the United States be requested to cause to be laid before this House a statement of the particular sums of money which, from time to time, since the commencement of the Government, have been appropriated and expended for the

purpose of fortifying the ports and harbors of the United States, and of any of the Territories thereof.

And the question being taken thereon, it was determined in the negative—41 to 39.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act authorizing the discharge of William Hawkins from imprisonment," with amendments; to which they desire the concurrence of this House.

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Mr. DAWSON.—On hearing the Journal read, I find that on last Friday a letter was received by the Speaker from Mr. Fulton. What merit is due to his invention I will not pretend to say; but I know Mr. Fulton to be a man of science and successful experiment; of which he has given proofs, both in Europe and this country. It seems to me that some attention ought to be paid to his communication. I therefore move you that his letter be referred to a select committee.

Mr. DAWSON's motion was agreed to, and a committee appointed, consisting of Messrs. DAWSON, TAYLOR, and BACON.

BATTURE AT NEW ORLEANS.

The House resolved itself into a Committee of the Whole on this subject—ayes 90.

Mr. LOVE spoke at great length in support of the proposition submitted by him a few days ago; and Mr. SHEFFEY also replied at great length.

The Committee then rose, reported progress, and obtained leave to sit again.

TUESDAY, February 13.

On motion of Mr. JOHNSON,

Ordered, That the Committee of Claims be discharged from the consideration of the petition of sundry inhabitants of the four western counties of Pennsylvania; and that the said petition be referred to the Secretary of War, to examine the matter thereof, and report the same, with his opinion thereon, to the House.

The House proceeded to consider the amendments of the Senate to the bill, entitled "An act authorizing the discharge of William Hawkins from his imprisonment; and the same being read, were concurred in by the House.

THE THIRD CENSUS.

The House resolved itself into a Committee of the Whole on the bill for taking the third census of the inhabitants of the United States. Various amendments were made to the allowances to marshals, &c. Considerable debate, of little interest, took place on the various motions; and the Committee rose, and reported the bill, and the House adjourned at 3 o'clock.

WEDNESDAY, February 14.

Mr. JOHNSON, from the Committee of Claims, presented a bill for the relief of Peter Audrain; which was read twice, and committed to a Committee of the Whole on Friday next.

A message from the Senate informed the House

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that the Senate have passed the bill, entitled "An act to prescribe the mode in which application shall be made for the purchase of land at the several land offices, and for the relief of Joab Garret; with several amendments; to which they desire the concurrence of this House.

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Mr. DAWSON made the following report:

The committee to whom was referred a letter from Robert Fulton to the Speaker of the House of Representatives, dated on the 9th instant, beg leave to report, in part, that at their request Mr. Fulton attended the committee on this morning, and explained to them his views of the uses and effects of torpedoes, on which the committee forbear to give an opinion, and offer the following resolution:

Resolved, That, when the House shall adjourn on Friday next, it will adjourn to meet on Monday; and that Mr. Fulton have the use of this Hall on Saturday, for the purpose of exhibiting the torpedoes and delivering a lecture on their practice and utility.

Mr. RHEA moved to recommit the report to the committee who reported it, with a view to obtaining a report on the merits of it.—Motion negatived.

Mr. LIVERMORE called for a division of the resolution reported by the committee, so as to take a question separately on the words, "*Resolved*, That, when the House shall adjourn, it adjourn to meet on Monday."

The question on this part of the resolution was decided by yeas and nays—yeas 90 nays 29, as follows:

YEAS—Willis Alston, jr., William Anderson, Ezekiel Bacon, David Bard, Burwell Bassett, William W. Bibb, Adam Boyd, John Brown, William A. Burwell, William Butler, Joseph Calhoun, John C. Chamberlain, William Chamberlin, Epaphroditus Champion, John Clopton, Howell Cobb, Orchard Cook, Jas. Cox, William Crawford, Henry Crist, Richard Cutts, Samuel W. Dana, John Dawson, William Findley, Jonathan Fisk, Meshack Franklin, Barzillai Gannett, Gideon Gardner, David S. Garland, Thomas Gholson, jr., Peterson Goodwyn, Thomas R. Gold, William Hale, Nathaniel A. Haven, William Helms, James Holland, Jonathan H. Hubbard, Jacob Huffy, Richard Jackson, junior, Richard M. Johnson, Walter Jones, William Kennedy, Philip B. Key, Herman Knickerbacker, Edward St. Loc Livermore, Robert Le Roy Livingston, John Love, Matthew Lyon, Aaron Lyle, Robert Marion, Archibald McBryde, Samuel McKee, Alexander McKim, Pleasant M. Miller, William Milnor, John Montgomery, Nicholas R. Moore, Thomas Moore, Thomas Newbold, Thomas Newton, John Nicholson, John Porter, Elisha R. Potter, John Rea of Pennsylvania, Matthias Richards, John Roane, Erastus Root, John Ross, Ebenezer Sage, Thomas Sammons, Ebenezer Seaver, Adam Seybert, Samuel Shaw, Dennis Smelt, John Smilie, George Smith, John Smith, Henry Southard, John Stanley, James Stephenson, Lewis B. Sturges, John Taylor, Uri Tracy, George M. Troup, Jabez Upham, Nicholas Van Dyke, Robert Weakley, Ezekiel Whitman, James Wilson, and Richard Winn.

NAYS—Daniel Blaisdell, James Breckenridge, John Campbell, Martin Chittenden, Matthew Clay, James Cochran, Joseph Desha, William Ely, Berent Gardener, Edwin Gray, Daniel Heister, Benjamin Howard,

Joseph Lewis, jr., Nathaniel Macon, Vincent Matthews, Jonathan O. Moseley, Joseph Pearson, Benjamin Pickman, jr., Timothy Pitkin, jr., Josiah Quincy, John Rhea of Tennessee, Daniel Sheffey, Richard Stanford, William Stedman, Jacob Swoope, Samuel Taggart, Charles Turner, jr., Archibald Van Horn, and Laban Wheaton.

The question was then stated on the remainder of the resolution.

Mr. LIVERMORE moved to postpone the further consideration of the subject indefinitely.

A desultory debate took place on these various questions. It was said that the Hall of the House of Representatives was exclusively appropriated to Legislative purposes, and that, at this time, to appropriate it to the purpose of experimental lectures, would afford a precedent which would be injurious; that such a measure, if admissible at all, should not be taken unless the House were convinced of the practicability of the system proposed to be illustrated, because it would hold out the idea that the House of Representatives had sanctioned it. It was also said that this system could quite as conveniently be illustrated in one of the other apartments of the Capitol, without spreading on the Journals a formal record allowing Mr. Fulton the use of this House. In reply, it was said, that this was an invention which promised to be of great public utility, and it was but reasonable, as the inventor was known to be a scientific man, that he should have an opportunity of demonstrating its efficacy, when he has offered his services for that purpose. If it succeeded, it might be a saving of many millions to the United States; and if it failed, the House would, by paying attention to it, have shown their disposition to encourage science. The argument against the report of the committee, that this Hall was exclusively devoted to legislation, it was said, would operate with equal force against permitting Divine service to be performed there on Sundays.

Before any question was taken on the latter clause of the report of the committee, the House adjourned.

THURSDAY, February 15.

TORPEDOES.

A motion was made by Mr. BURWELL, that the unfinished business of yesterday do lie on the table; and the question being taken thereon, it was determined in the negative.

The House then resumed the consideration of the said unfinished business, and the question recurring on the motion to postpone indefinitely the further consideration of the second member of the resolution, Mr. SPEAKER decided that the said motion to postpone indefinitely was, at the time the same was under consideration, out of order.

A motion was then made by Mr. ROSS, to amend the said resolution by striking out the words, *delivering a lecture on*, for the purpose of inserting the word *explaining*. And the question being taken thereon, it was resolved in the affirmative.

The question was then taken upon concurring in the second and last member of the said resolu-

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tion, and determined in the negative—yeas 55, nays 61, as follows:

YEAS—Willis Alston, jr., William Anderson, Ezekiel Bacon, David Bard, Burwell Bassett, Adam Boyd, John Brown, Robert Brown, Joseph Calhoun, John Clopton, Howell Cobb, Orchard Cook, James Cox, William Crawford, Richard Cutts, John Dawson, William Findley, Barzillai Gannett, David S. Garland, Thomas Gholson, jr., Peterson Goodwyn, James Holland, Jacob Hufty, Richard M. Johnson, Walter Jones, John Love, Aaron Lyle, Robert Marion, Alexander McKim, William Milnor, John Montgomery, Nicholas R. Moore, Thomas Newbold, Thomas Newton, John Nicholson, John Porter, John Rea of Pennsylvania, Matthias Richards, John Roane, Erastus Root, John Ross, Ebenezer Sage, Lemuel Sawyer, Adam Seybert, Samuel Shaw, Dennis Smelt, John Smilie, George Smith, John Smith, Henry Southard, George M. Troup, Charles Turner, junior, Robert Weakley, Richard Winn, and Robert Witherspoon.

NAYS—Lemuel J. Alston, Daniel Blaisdell, William A. Burwell, William Butler, John Campbell, John C. Chamberlain, Wm. Chamberlin, Epaphroditus Champion, Martin Chittenden, James Cochran, Samuel W. Dana, Joseph Desha, William Ely, James Emott, Jonathan Fisk, Barent Gardenier, Gideon Gardner, Thomas R. Gold, Edwin Gray, William Hale, Nathaniel A. Haven, Daniel Heister, Jonathan H. Hubbard, Richard Jackson, jr., Robert Jenkins, William Kennedy, Philip B. Key, Herman Knickerbacker, Joseph Lewis, junior, Edward St. Loe Livermore, Robert Le Roy Livingston, Nath'l Macon, Vincent Matthews, Archibald McBryde, Jeremiah Morrow, Jonathan O. Moseley, Gurdon S. Mumford, Benjamin Pickman, jr., Timothy Pitkin, jr., Peter B. Porter, Elisha R. Potter, Josiah Quincy, John Rhea of Tennessee, Thomas Sammons, Daniel Sheffield, Richard Stanford, John Stanley, James Stephenson, Lewis B. Sturges, Jacob Swoope, Samuel Taggart, John Taylor, John Thompson, Uri Tracy, Jabez Upham, Nicholas Van Dyke, Archibald Van Horn, Killian K. Van Rensselaer, Laban Wheaton, Ezekiel Whitman, and James Wilson.

On motion of Mr. TROUP, the question was then stated on concurring in the first and second members of the said resolution; when Mr. SPEAKER decided that, a question being divided, one part affirmed and the other rejected, a question cannot be put upon the whole of the resolution as originally proposed. From which decision of the Chair, an appeal was made to the House by Mr. TROUP, and being seconded, the question was taken, "Is the decision of the Chair correct?" and resolved in the affirmative—yeas 78, nays 21, as follows:

YEAS—Lemuel J. Alston, Ezekiel Bacon, Burwell Bassett, Daniel Blaisdell, Adam Boyd, James Breckenridge, John Brown, John C. Chamberlain, William Chamberlin, Epaphroditus Champion, Martin Chittenden, John Clopton, James Cochran, James Cox, Samuel W. Dana, Joseph Desha, James Emott, William Findley, Jonathan Fisk, Meshack Franklin, Barent Gardenier, Gideon Gardner, David S. Garland, Peterson Goodwyn, Thomas R. Gold, William Hale, Nathaniel A. Haven, Daniel Heister, Benjamin Howard, Jonathan H. Hubbard, Richard Jackson, jr., William Kennedy, Herman Knickerbacker, Joseph Lewis, jun., Robert Le Roy Livingston, Robert Marion, Vincent Matthews, Archibald McBryde, Pleasant M. Miller, William Milnor, John Montgomery, Nicholas R. Moore,

Thomas Moore, Jerem'h Morrow, Jonathan O. Moseley, Gurdon S. Mumford, Thomas Newbold, Thomas Newton, Joseph Pearson, Benjamin Pickman, jr., Timothy Pitkin, junior, John Porter, Elisha R. Potter, Josiah Quincy, John Rea of Pennsylvania, John Rhea of Tennessee, Matthias Richards, Erastus Root, Ebenezer Sage, Daniel Sheffield, Dennis Smelt, George Smith, John Smith, Henry Southard, Richard Stanford, John Stanley, James Stephenson, Lewis B. Sturges, Samuel Taggart, John Thompson, Uri Tracy, Jabez Upham, Nicholas Van Dyke, Archibald Van Horn, Laban Wheaton, Robert Whitehill, Ezekiel Whitman, and James Wilson.

NAYS—Willis Alston, jr., William Anderson, William Butler, Joseph Calhoun, Matthew Clay, Howell Cobb, William Crawford, Thomas Gholson, jr., Richard M. Johnson, John Love, Aaron Lyle, Sam. McKee, John Nicholson, John Roane, Lemuel Sawyer, Samuel Shaw, George M. Troup, Charles Turner, jr., Robert Weakley, Richard Winn, and Robert Witherspoon.

A motion was made by Mr. UPHAM, that the House do reconsider the vote of yesterday upon the first member of the resolution under consideration.

A motion was then made by Mr. GARDENIER, to put the question on the resolution, as amended.

Mr. SPEAKER decided that the motion of Mr. GARDENIER was not in order, as the question must be first taken on the motion first made.

From which decision of the Chair an appeal was made to the House, and being seconded, the question was taken, "Is the decision of the Chair correct?" and resolved in the affirmative.

The question was then taken to reconsider their vote of yesterday upon the first member of the resolution, and determined in the negative.

The question was then stated from the Chair, that the House do agree to the said resolution, amended to read in the following words:

Resolved, That, when this House shall adjourn on Friday next, it will adjourn to meet on Monday.

A question was raised by Mr. SHEFFEY, whether it was in order to put the question upon the resolution so amended.

Mr. SPEAKER decided that it was in order to put the question on the resolution so amended.

From which decision of the Chair an appeal was made to the House, and being seconded, the question was stated, "Is the decision of the Chair correct?" and debate arising thereon, an adjournment was called for, and carried.

FRIDAY, February 16.

A motion was made by Mr. LIVERMORE, that the House do now adjourn. And the question being taken thereon, it was determined in the negative—yeas 5, nays 55.

The unfinished business of yesterday was ordered to lie on the table, 48 to 43.

On motion of Mr. LOVE,

Resolved, That a committee be appointed to inquire what alterations, if any, are necessary in the law passed January twenty-first, one thousand eight hundred and eight, entitled "An act for the relief of Oliver Evans."

Mr. LOVE, Mr. JOHN PORTER, Mr. MATTHEWS,

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Mrs. Hamilton's Claim.

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Mr. ELY, and Mr. COCHRAN, were appointed a committee, pursuant to the said resolution.

The bill to incorporate the Protestant Episcopal Church in the town of Alexandria in the District of Columbia, was read a third time.

Mr. LOVE moved to postpone the further consideration of the bill indefinitely. The House being equally divided on this question, 49 to 49, the Speaker decided it in the negative.

On motion of Mr. GARDENIER, it was postponed till the 1st Monday in March, 57 to 49.

MRS. HAMILTON'S CLAIM.

The House resolved itself into a Committee of the Whole on the report of the Committee of Claims on the petition of Elizabeth Hamilton, widow of Alexander Hamilton, praying for the compensation due to her deceased husband.

[This report is one of the class of those favorable to the prayers of the petitioners on grounds of equity, but declaring, because they are barred by the statute of limitations, that they, therefore, ought not to be granted.]

The resolution reported by the Committee of Claims is as follows:

Resolved, That the prayer of the petitioner ought not to be granted."

The report was supported by Messrs. MONTGOMERY, VARNUM, HELMS, and BACON, on the ground that the late General Hamilton had no claim on the Government under the resolutions of the Old Congress; because he was, on the 25th of November, 1782, a delegate in Congress, and, by the 6th article of the Confederation, incapable of holding, at the same time, a military commission. He was, in that Congress, a member (if not the chairman) of the committee which reported the resolutions under which his heirs are now said to be entitled to compensation. Had no statute of limitations ever been passed, therefore, it was said that General Hamilton or his heirs had no claim on the Government; because, in accepting a seat in Congress, he had virtually resigned his commission before the close of the war. The case might be a hard one; but there were hundreds of cases at least equally so, and cases too in which the sufferers had not, as General Hamilton had, subsequently enjoyed lucrative employments by the favor of his country. It was said that Congress ought to be just before they were generous. Before they granted a claim of this doubtful character, influenced by the character or standing of the individual, they should relieve the impoverished old soldiers who daily begged of them for a pittance of bread, whose claims were equally just and whose necessities were much more pressing.

Mr. BOYD spoke in favor of the report of the committee. Either the statute of limitations was just or it was unjust. If unjust, it ought to be repealed; if just, Congress ought to be careful how they made exceptions in favor of particular claims.

Messrs. JOHNSON, GHOLSON, DAWSON, SHEPHERD, GOLD, KEY, PITKIN, and GARDENIER, opposed the report of the committee. It was said that

General Hamilton's having received a brevet commission at the close of the war was evidence of his having been considered in service until the end of the war; for unless he had, such a commission could not have been issued to him. But a short time before the peace, he was seen at the head of his regiment gallantly storming a redoubt at the siege of York, and contributed not a little to the capture of Cornwallis and his army. By accepting a seat in Congress he did not resign his commission, but held himself liable to be called into service at any time, if necessary. But if he had, from the best of motives, accepted a seat in Congress, and thereby resigned his commission, it was said that his heirs ought not, therefore, to be deprived of the compensation equitably due to him. Congress had extended the hand of relief to the daughters of Count de Grasse, who had no shadow of a legal claim; but their father had assisted by sea, as General Hamilton did on the land, at the capture of Cornwallis; they were in this country in distress, and Congress had relieved them. Should the same relief be denied to the representatives of a citizen who had served during the war, and whose legal claim, if barred at all, (except by the statute of limitations,) was only barred by his zeal in the service of his country, which prompted him to accept a seat in Congress? The statute of limitations, it was said, was never intended to bar Congress from discharging a just claim, but merely to prevent the accounting officers of the Treasury from allowing all the old, and perhaps, fraudulent claims which might have been pressed upon them. Every gentleman who spoke, dwelt upon the obduracy of heart and injustice, as it was termed, which could refuse to the claim of the war-worn soldier, the compensation due to him for his assistance in achieving the liberties of his country.

Before the question was taken on the report, the Committee rose, reported progress, and obtained leave to sit again.

And the House adjourned to Monday.

MONDAY, February 19.

Mr. NEWTON, from the Committee of Commerce and Manufactures, to whom was referred so much of the President's Message, at the commencement of the session, as relates to a remission of penalties involuntarily incurred by infractions of the laws prohibiting commercial intercourse with Great Britain and France, presented a bill to remit certain fines, penalties, and forfeitures; which was read twice and committed to a Committee of the Whole on Thursday next.

Mr. CLAY, from the committee to whom was recommitted the bill authorizing a detachment from the militia of the United States, reported several amendments thereto; which were read, and, together with the bill, committed to a Committee of the Whole on Thursday next.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An

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United States' Bank—Secretary of the Treasury.

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act to revive an act, entitled 'An act for the relief of the refugees from the British Provinces of Canada and Nova Scotia, and for other purposes,' with several amendments; to which they desire the concurrence of this House.

BANK OF THE UNITED STATES.

Mr. MONTGOMERY, from the committee appointed, on the twenty-ninth ultimo, on the memorial of the Stockholders of the Bank of the United States, made a report thereon; which was read, and referred to a Committee of the Whole tomorrow. The report is as follows:

That, in proceeding to the consideration of the said petition, your committee instructed their chairman to address a letter to the Secretary of the Treasury, requesting him to furnish such information or observations as he might think proper, in relation to the subject-matter thereof, as connected with the financial and commercial interests of the United States. In reply to which, the Secretary, by his letter to the chairman, referred your committee to his former report on the said subject, made to the Senate of the United States, in obedience to the order of that House.

Your committee have been attended by agents of the petitioners, who, in addition to the matters contained in the petition, have suggested to your committee that the object of the petitioners was to obtain the renewal of the charter in its present form; that, for this renewal, the bank is willing to make compensation, either by loans, at a rate of interest, or by a sum of money to be agreed upon, or by an increase of the capital stock, by a number of shares to be taken and subscribed for by the United States, to an amount adequate to the compensation to be agreed upon for such renewal.

These agents also suggested, that they were fully authorized and empowered to offer and conclude the terms, specifically connected with these propositions.

Your committee, not feeling themselves authorized to enter into such terms, and judging that the extent of those propositions would better apply to the details of a bill, than to the adoption of a principle to be first settled by the House, have, therefore, forbore to inquire into the extent of the propositions, and, without expressing an approbation or rejection of these offers, or giving an opinion as to the plan and reasoning of the Secretary of the Treasury, your committee, in order that the opinion of the House on this great national question may be declared previous to entering into the details connected with the subject, recommend the following resolution:

Resolved, That it is proper to make provision for continuing the establishment of the Bank of the United States, with offices of discount and deposit, under the regulations necessary for the beneficial administration of the national finances, during such time, and on such conditions, as may be defined by law.

MILITIA, VOLUNTEERS, &c.

Mr. CLAY, from the committee to whom was recommended the bill authorizing a detachment of the militia of the United States, reported the same with amendments. [These amendments authorize the acceptance of volunteers, who are to sign articles, &c., to be exercised at certain times, nearly as provided in the bill now before the Senate "authorizing the President to engage for a short period in the service of the United

States a corps of volunteers." Twice read and committed.

SECRETARY OF THE TREASURY.

Mr. GARDENIER rose and observed, that in the present exhausted state of the Treasury, and with the utter hopelessness of its being speedily replenished, at least by any means visible to man, it was very natural that the public should be extremely sensible to any attacks made on the honor or integrity of the officer who was at the head of that department. I have myself (said Mr. G.) been subjected to sensations extremely unpleasant, in consequence of allegations, which I see advanced against not only the capacity but the integrity of the Secretary of the Treasury. I do not know that I should have attached to them so much of importance myself, were they not accompanied by circumstances calculated to give them greater force. It is of the first importance to the public mind that the purity of their officers should be unquestioned. Therefore, in my opinion, it is the duty of the Representatives of the people to investigate charges made against them, no matter in what manner or by whom. I have been induced to make these remarks by a publication which is now, I perceive, running the circuit of the newspapers, making the most serious, and, if true, the most condemning charges against the Secretary of the Treasury. For the information of the House I will read an extract from a piece (under the signature of "Camillus") published originally in the *Virginia Argus*—

"At a time like the present, when the Kingdoms of Europe appear to have conspired to do us wrong, it was naturally to have been expected that the boasted talents of the Secretary of the Treasury would have produced a system of finance commensurate to the occasion. The report which he has made is probably the performance of one of his clerks, and the public are yet to be astonished, perhaps, with something more praiseworthy from the fruitful invention of the honorable Secretary. I am loth to suspect his capacity; but if he does not speedily produce some respectable evidence of his ability, his talents or his integrity will undoubtedly be questioned. It must be confessed that his official estimate, during the embargo and now, give great scope for the impeachment of his intellectual vigor, and the sudden growth of his private fortune is unfavorable to the supposition that he is the most disinterested of Ministers. When the Secretary of the Treasury, from a yearly salary of four or five thousand, amasses in the short compass of eight years the enormous fortune of two hundred thousand dollars, we are authorized to inquire *how* he has effected it? If this were a government of England, and Mr. Gallatin a Lord Melville, there would be no difficulty in accounting for the circumstance; but it would be too hasty a determination to decide, without further investigation, that Mr. Gallatin had made use of the opportunities which his station affords, to speculate in the funds for his individual benefit; or, that he availed himself of the same opportunities to become the proprietor of lands which have been sacrificed by the artful representations of the man who purchased from the public. If the honorable Secretary has recently transmitted the interest of the Dutch loan to Holland in specie, we may be assured he has his reasons for it;

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and it will require all your ingenuity, sir, to demonstrate that Albert Gallatin, who has drained the country of hard dollars to pay them into the hands of one of the Bonapartes, would have been a proper character to fill the office of the Secretary of State, to which he aspired! I am not fearful of contradiction when I affirm that he did this act contrary to the inclinations of the President."

This publication may be considered as making three specific charges: 1st. That this officer has made use of the public funds, while at his disposal, for the purpose of private speculation; 2d, That by artful contrivances he has procured sales to be made of the public lands for the purpose of possessing himself of them; and, 3d, That, contrary to the manifest wishes of the President of the United States, he has endeavored to drain the country of specie for the purpose of placing it in the hands of one of the Bonapartes. They are serious charges, whatever may be the source of them, and it is proper that they should be investigated, that, if true, the officer implicated may be punished; and, if false, that his innocence may be put beyond doubt. In proposing this investigation I wish it to be understood, that I am not inclined to believe these charges. I can neither believe nor disbelieve, for I have no ground for either. It is sufficient to induce me to make an investigation, that the charges are publicly made. If this would be my opinion in ordinary cases, I am more strongly induced to demand the present investigation, because, hearing, as all do, the voice of public rumor, I have heard (and so frequently as to induce me to say that the report is current through the nation) that the publication from which I have read an extract, had its origin in the Department of State, and that it comes to the world with the knowledge of the head of that department. I do not say that such is the fact; I merely state that such a rumor is afloat, and will spread through the nation. And the source to which the publication is ascribed will tend to place the reputation of this high officer before the nation in such a light that, if innocent, great injustice will be done to him. I hope, therefore, an investigation will be made to ascertain the truth. I enter into the inquiry with no prejudice against the Secretary of the Treasury. If I have any particular impression, as I would suppose every man innocent until I found him guilty, I am under the opinion that the charges are not well founded. Yet, though this is my impression, I must confess that I cannot bear to have these charges circulating in this way, and not desire an investigation in some way which shall support their truth or prove them baseless calumnies. With this view I have prepared several resolutions, which I submit to the House:

"Resolved, That a committee be appointed to inquire generally into the official conduct of the Secretary of the Treasury, and particularly whether the said Secretary has at any time, and when, and in what manner, and to what amount, speculated in the public funds.

"And whether the said Secretary has become pro-

prietor of any, and what tracts of land sold by the United States, and if so, how the sales thereof have been conducted.

"And, also, in what manner remittances either of principal or interest of foreign debt have been made, and whether in any, and what cases, contrary to the wishes of the President, as to the amount or manner.

"And that the said committee have power to send for persons and papers."

Mr. G. said, as he did not wish to take the House by surprise, he would not now ask the consideration of the resolutions.

Mr. McKIM moved that the House now consider them.

The motion for now taking them up was agreed to by a large majority.

Mr. BOWWELL said he was confident, from the evidence which presented itself on the very face of the paper which had been quoted, that nothing could be more groundless than the charges insinuated against the Secretary of the Treasury. How was it possible that he could speculate on the public lands, the prices of which are fixed by law, and the patents for which pass through several offices? It was utterly impossible that he could defraud the United States of an acre. As to the accumulation of a fortune of \$200,000, in what way could he have done it by the aid of public funds? Are there not, said Mr. B., annual reports from the Treasury Department, open to the inspection of this House? Every investigation made has proved him incorruptible and honest. As to the specie sent to Holland, it is well known that the interest and some part of the principal of the Dutch debt annually becomes due; and since commerce has been suspended there have been no effects of our merchants there; and it has been difficult, if not impossible, to purchase bills on that country. The fact is notorious. How, then, was the public debt to be paid? If bills could not be purchased, specie must be sent. The money became due, and, if we would preserve inviolate our faith as every nation ought, we must send specie there. One remark was dropped by the gentleman from New York which, I confess, appeared to me very singular. He said that a rumor had gone abroad that this statement derived authenticity from the sanction of the Secretary of State. Is it possible, sir, to suppose that the Secretary of State would so far descend, that he would degrade himself by circulating, in a private and underhand manner, slander against a man who acted with him in office? Whatever he might at any time have felt, he could not lend his sanction to a private masked attack on any man's character. It is utterly impossible that any officer of the United States could so far forget every claim he had to his own respect as to descend to such conduct. If the House were to adopt paragraphs from the public prints, and rumors of the day, as grounds for charges against any officers of the Government, how many men of eminence would you find whose characters have not through these vehicles been impeached? Have not our papers sunk to that degrading state that they charge the most incorruptible men with

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fraudulent speculations? I could point out numerous instances of men belonging to both parties, who are honest and incorruptible, who have been charged with the most shameless speculation. If we were to be influenced by every rumor which finds its way into the papers, instead of appointing a committee to examine into the conduct of the Secretary of the Treasury, we should have to appoint a committee which should embrace in the scope of its inquiry all the political characters of the country.

As to this piece which has appeared in a Virginia paper, it bears its contradiction on the face of it. It is one of those anonymous papers, daily published, avowing with boldness, without fearing contradiction; the writer of which is evidently ignorant of notorious facts, and unacquainted with Treasury transactions.

I should myself be extremely sorry that rumors of this kind should ever produce any effect on those who are the subject of them. I do hope that the Secretary of the Treasury will, while he estimates properly the purity and dignity of his own character, absolve his colleague in office from an imputation so odious as that attempted to be fixed on him. No man who has a regard for his own character, would suppose that a gentleman placed high in office would attempt in this clandestine manner to destroy his reputation. I have no doubt but an inquiry, if instituted, would terminate in a manner highly honorable to the Secretary of the Treasury; and there can be no question but it would be impossible to produce evidence that any officer in the Government has been so far forgetful of himself, and the dignity of his station, as to conduct himself in a manner which would disgrace him forever as a man of honor. Mr. B. concluded by moving to postpone the further consideration of the subject until to-morrow.

Mr. McKIM was opposed to a delay of a decision on the resolutions. He thought the House would be disgraced by an inquiry on such grounds. It would be but justice to themselves to show the public that the House would not occupy its time with such frivolous pursuits. Gentlemen talked often about precedents. The adoption of this resolution on the grounds stated by the mover, would be one of the most injurious precedents. There was not a man of information in the nation who would not think it ridiculous. He hoped the resolutions would be promptly decided on.

Mr. GARDENIER said he did not himself place great faith in these charges; but in a case of this kind the House could not be too desirous to satisfy the public mind. An investigation into them, if false, would tend to confirm the officer in the public confidence. It was in the nature of all charges of this sort, no matter by whom propagated, to run through the community, until there are many who believe them. Mr. G. said his principal object was to vindicate the Secretary of the Treasury. The only question was, whether the House would evince their disbelief of the charges, by a rejection of the resolutions, or, whether, by an examination into the subject, they

would refute them understandingly. The rejection of the resolutions would be an evidence of the faith of the House, in the integrity of the Secretary of the Treasury; but if an examination was made, and the author was called before the committee to substantiate his charges, the result of the investigation, if favorable, would produce a conviction to every mind. For himself, he thought the House could not be too careful, or too eager to prove the innocence of the Secretary of the Treasury. He wished, of all things, to have it distinctly understood, that he did not move the inquiry under the impression that it would result in the conviction of the Secretary of the Treasury; but the manner and style in which these charges had been announced, made him wish that all the departments should be clear of the imputations they conveyed.

Mr. GHOLSON said he was sorry that any base calumny, which must be despised by every honest, virtuous, and enlightened man in the community, should, in the estimation of the gentleman from New York, be deemed of so much importance as to merit an examination by this House. The resolution he had offered was very extraordinary in itself, putting out of view the improbability of the facts into which it proposed to inquire. How was an inquiry to be made into the purchase of land by the Secretary of the Treasury, or into the amount or nature of his private property? Countenancing the resolution so far as to permit it to lie on the table would be materially affecting the reputation of the enlightened officer who presides over the Treasury Department. Would it be presumed by the people abroad that the House of Representatives would in any case whatever institute an inquiry into the conduct of one of the highest officers of the Government, unless they themselves believed there was something like doubt as to his integrity? To express anything like doubt of the character of a man is essentially to injure him. I ask if there be any man in the House who even doubts on the subject? As to the official reports of this officer, the last annual report of the Secretary of the Treasury is one of the clearest, ablest, and most explicit State papers, that graces the annals of the country. The circumstance of a deficiency of the revenue is easily accounted for without attaching any blame to him, when it is considered that for one-half the year the embargo cut off our revenue. The gentleman who moved the resolution must himself be convinced of the impropriety of instituting an inquiry on a ground in which no one can confide. While there is an enlightened Committee of Ways and Means in this House to superintend the operations of the Treasury Department, there can be no probability of any misconduct in that department escaping inquiry. While I believe that the Secretary of the Treasury would be uninjured by any inquiry, I cannot, without reason, consent to institute an inquiry. If the House investigate such charges, they may sit the whole year and do nothing else; for not a day passes but some newspaper brings a new slander on the officers of Government.

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Mr. BURWELL withdrew his motion to postpone the question.

Mr. TAYLOR asked what these resolutions were, and, according to the scope of operation which they were to take, what did they involve? The high attribute, the vindictive prerogative of the House, of impeaching public officers. Should a subject of that magnitude be trifled with? Should they, for newspaper scraps, make use of it? There is, said Mr. T., a principle which, it appears to me, ought in this case to govern every gentleman on this floor, viz: that such an inquiry ought not to be sanctioned unless there be an impression that that inquiry ought to be made for the purpose of punishing the officer in question. I confess, when the motion first was made, the high opinion I entertain of the individual involved in it, my impression of his being immaculate, would have induced me to vote for it, for a reason different from its object, but that it was a course which I never would adopt, but at the request of the party concerned. I at first was inclined to vote for it, because I knew it would eventuate in clearing the character denounced in the paper, from all improper imputations. That is not the purpose of such resolutions. It is to probe guilt, and bring it to punishment. We are not here, by legislative acts, to plaster up characters. It is not our business, unless the officer himself, feeling the denunciations made to rest so heavily on him, that he could not perform the duties of his office with advantage to his country, should apply to the House for an investigation. I will not exercise this attribute to clear the character of any man, unless he himself requires it. The mover of the resolution tells you, that, according to his impressions, the charge is a calumny, and that he believes an investigation will eventuate in the acquittal of the character denounced. Even a justice of the peace, in such a case as this, would say, he could not proceed to examine a person charged with a crime, when no evidence whatever appeared against him. There is not before the House a tittle of testimony. Shall this House then cheapen the high attribute of bringing to condign punishment the officers of the nation? The House cannot proceed a step in this case. No gentleman who does not believe in the guilt of the Secretary of the Treasury, can, in my opinion, with any propriety, vote for the resolution on the table.

Mr. SMILE said, he was of opinion, that the House ought to act at once on the resolution. He wished, sincerely, that the matter was so situated that the House could with propriety go into an investigation of the public character of that officer. I think, said Mr. S., that I may say, that there is not a man in the United States that knows him better in his public, or in his private capacity than myself. If the most distant suspicion rested on my mind of any foundation for the charges, I would instantly move an impeachment, and proceed regularly with the matter. This inquiry is proposed on such a ground as never legislative body acted on before—an anonymous publication. If the House institutes an inquiry on such ground, it puts itself in the power of every calumniator

who can wield a pen. Is this the first instance in which the highest characters in the Government have been assailed? How many calumnies were heaped on the late President of the United States! Is it not known to the House that at this very day it is said in the public papers that the President has in his possession a treaty with France which he dare not show? Why then should this calumny be selected for examination? If it was possible to bring to punishment the vile author of it, I would agree to it; as it is a serious and flagrant libel; but that is out of our power. The grand objection to this course, however, is, that I can see no end to it. If there be a gentleman in the House who thinks it possible that the Secretary of the Treasury can be guilty, he will vote for the resolution. On the other hand, a decided negative will check the calumny at once.

Mr. JOHNSON said he could not permit the question to be taken without expressing his opinion in relation to it. As to the individual implicated in this motion, said Mr. J., I am attached to him from a consideration of his merit and of the services he has done to his country, and for no other reasons, having but little personal acquaintance with him. This is not the first charge which had been made against this great and good man and valuable officer. I have heretofore smiled with contempt upon those publications, engendered by malice, and have felt pity for their misguided authors. The people of this nation know the man. The persecution of all good men, as of Aristides and Socrates, one of whom was banished and the other put to death, for their virtues, gives occasion to those who know them to erect monuments to their glory. This will be the effect of the persecution of this man, whose reputation is untarnished—even the gentleman who moved the resolution does not think his character impeachable. As to clearing his fame, Mr. J. said it was not necessary to institute an inquiry to clear his fame from imputations which must be as impotent against him as the waters of the ocean against the rock of Gibraltar. The memory of his patriotic exertions would live as long as the world. He did not rise to eulogize this officer, but he must give his feeble testimony in favor of the man who had sacrificed his time, and perhaps his comforts, to the service of his country. And was his fame to be impeached by an anonymous writer? It was impossible he should be guilty of the charges; it was not within him, whose character, bright as the jewel of virtue itself, the more it was examined, the more brilliant it would appear. And this rumor was sanctioned—by whom? He would not believe that the Secretary of State had given the weight of his name to such charges, and would not credit public rumor on this point any more than in the charges against the Secretary of the Treasury.

Mr. FINDLEY was for an immediate decision on the resolutions. He would not eulogize the Secretary of the Treasury, but he gave no credit to the newspaper paragraphs; and made some observations going to show that they were destitute even of plausibility.

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Mr. ROSS confessed he had some doubts as to the course proper to be pursued. If the political friends of the Secretary of the Treasury had brought forward the motion, he should have no hesitation what course to pursue; but when the political enemies of a man undertook to be the guardians of his reputation, the course proper to be pursued was rendered much more doubtful. Nothing could sooner destroy the reputation of a man with his party than for his enemies to become the guardians of it. He had seen in papers professing democratic principles publications against this man—and would it not be asked by the people, if the course proposed was pursued, if the Secretary of the Treasury had not changed his principles? While his political enemies are so careful of his reputation, why are they not equally careful of the reputation of the Secretary of State, who has been equally abused by the writer under the signature of Philolaos or Mutius? Mr. R. made further observations going to show that if inquiry was made in one case, it ought in the other. He was opposed to the passage of the resolutions.

Mr. HELMS moved to reject the resolutions; but the motion was declared to be out of order.

Mr. MACON said that as to himself he felt satisfied that none of these very serious charges could be supported against the Secretary of the Treasury. This belief was founded upon the opinion he entertained of the moral character of the man. He believed the investigation could only tend to raise the reputation of that man in the nation. Under this belief he could have no hesitation in voting for the inquiry. But, said Mr. M., if, contrary to my sincere belief, he should be guilty of the charges alleged against him, let him share the fate of the guilty. I was not in the House when the resolution was moved, and do not therefore know the ground of the motion, but it is sufficient for me that the gentleman who made the motion thinks himself authorized to do it. No matter on what information he deemed it his duty to make the motion, I for one am willing he should be gratified. Honesty and plain dealing have nothing to fear. An honest man may be calumniated, but time will put down the calumny. It was impossible that some of the charges could have foundation in fact; but he was willing to inquire into them. If the Secretary of the Treasury was his own brother, if he were his father, and an inquiry was asked into his conduct, he would grant it. When the second Secretary of the Treasury went out of office he had asked an inquiry into his conduct, which was granted. Passing these resolutions would only be doing the same in relation to the present Secretary of the Treasury as was done in relation to the former. Could anything be a greater triumph to a man placed in the situation of the Secretary of the Treasury than for those opposed to him to declare him innocent? He hoped the motion would be agreed to; and had no doubt such would be the result of the inquiry.

Mr. BISS regretted exceedingly the determination the gentleman from North Carolina had expressed to vote in favor of the resolutions, and he

was confident the gentleman would not have come to the same determination if he had heard the remarks which preceded and followed the motion. It was not a charge made by a member of the House; on the contrary, the member making the motion declared his disbelief of the charge. What, said Mr. B., would be the consequence, in relation to the public mind, of pursuing the inquiry under these circumstances? Do we not every day see the basest calumnies in the public prints, not only against the Heads of Departments but against this House? Has not the Legislature of a State (Massachusetts) declared that the measures of a majority of this House are adopted in subservience to Napoleon? Is it not as important that the Representatives of the people should stand fair before the people as that the Secretary of the Treasury should stand fair before this House? Do we not every day see charges made in the public prints against individuals in the Government without instituting inquiries into them? Now I ask, if we institute an inquiry in this case and not in others, whether we shall not be giving at least presumptive evidence against the Secretary of the Treasury? It appears to me that the best way to vindicate the character of this officer from the aspersions levelled at it, is to give as strong a vote as we can against the motion.

Mr. HOLLAND said there was no testimony before the House to induce them to raise a committee on this subject. If any member would produce any, or state that he had grounds to believe he could, in support of the charge, then and then only should a committee be appointed.

Mr. QUINCY said that mere rumor or newspaper paragraphs he did not deem a fit ground for inquiry by the House, unless they came in such a shape as to raise reasonable ground of suspicion. For this reason he was unwilling to pass the resolution. At the same time he suggested that whatever was done, it should not be done under the influence of instant passion; and thought, if the Secretary himself were on the floor, he would wish a decision delayed.

Mr. STANFORD declared that he should vote for the motion, on the general principle of making an inquiry whenever wished for by a member. He quoted the Journals to show instances of cases which he deemed similar. He thought a postponement of the decision on the motion would give further time for reflection, and therefore moved a postponement of it till to-morrow.

The motion for postponement was negatived by a large majority.

Mr. DANA said that if the question had been put for the rejection of the motion, he should certainly have voted against it, but the question of adoption was essentially different. He did not conceive an anonymous publication in a newspaper sufficient ground for an inquiry by the House; and, that being all the ground assigned for the resolution, he should vote against it.

Mr. BOYD and Mr. SOUTHARD also spoke against the motion.

Mr. GARDENIER again spoke in support of the resolutions. He could not say that he believed

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the charges, but he could not conceive that charges so specifically stated, and by so able a writer, were the result of profligacy and wholly without foundation. An inquiry could do no harm; and the charges might be well founded. Who would have suspected the great Bacon, or who Lord Melville, before their peculation was proved? If the House did not now investigate it, he thought they would soon be called upon to do it. The smoke would not appear in so many different places together, unless there were somewhere a latent combustion. The volcano never emitted smoke but when fire raged within. There must be some foundation for these rumors.

The question on the passage of the resolution was then taken, and decided as follows:

YEAS—Howell Cobb, William Ely, Barent Gardner, Edwin Gray, Nathaniel Macon, Richard Stanford, and Ezekiel Whitman.—17.

NAYS—Lemuel J. Alston, Willis Alston, jr., William Anderson, Ezekiel Bacon, David Bard, Burwell Bassett, William W. Bibb, Daniel Blaisdell, Adam Boyd, James Dreckenridge, John Brown, Robert Brown, William A. Burwell, William Butler, Joseph Calhoun, John Campbell, William Chamberlin, Epaphroditus Champion, Martin Chittenden, Matthew Clay, James Cochran, William Crawford, Henry Crist, Richard Cutts, Samuel W. Dana, Joseph Desha, James Emott, William Findley, Jonathan Fisk, Meshack Franklin, Barzillai Gannett, Gideon Gardner, David S. Garland, Thomas Gholson, jr., Potcrson Goodwyn, Thomas R. Gold, William Hale, Nathaniel A. Haven, William Helms, James Holland, Benjamin Howard, Jacob Hufty, Richard Jackson, jr., Robert Jenkins, Richard M. Johnson, Walter Jones, William Kennedy, John Love, Aaron Lyle, Robert Marion, Vincent Matthews, Archibald McBryde, Samuel McKee, Alexander McKim, Pleasant M. Miller, William Milnor, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, Jonathan O. Moscley, Gurdon S. Mumford, Thomas Newbold, Thomas Newton, John Nicholson, Joseph Pearson, Timothy Pitkin, jun., John Porter, Peter B. Porter, Elisha R. Potter, Josiah Quincy, John Rea of Pennsylvania John Rhea of Tennessee, Matthias Richards, John Roane, Erastus Root, John Ross, Ebenezer Sage, Thomas Sammons, Lemuel Sawyer, Ebenezer Seaver, Adam Seybert, Samuel Shaw, Daniel Sheffey, Dennis Smelt, John Smilie, George Smith, John Smith, Henry Southard, John Stanley, James Stephenson, Lewis B. Sturges, Samuel Taggart, John Taylor, John Thompson, Uri Tracy, Charles Turner, jun., Jabez Upham, Nicholas Van Dyke, Archibald Van Horn, Killian K. Van Rensselaer, Robert Weakley, Laban Wheaton, Robert Whitehill, James Wilson, Richard Winn, and Robert Witherspoon.—106.

PROPOSITIONS TO BELLIGERENTS, &c.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the House of Representatives of the United States:
I transmit reports of the Secretaries of State and of the Treasury, complying with your resolution of the 5th instant.

JAMES MADISON.

FEBRUARY 17, 1810.

DEPARTMENT OF STATE, Feb. 14. 1810.

Agreeably to a resolution of the House of Representatives, of the 5th instant, requesting the President

of the United States to cause to be laid before the House copies of the several communications made to the Governments of France and Great Britain in pursuance of the authorities vested by Congress in the Executive, with respect to the several orders and decrees of either violating the lawful commerce and neutral rights of the United States, except such parts as may, in his judgment, require secrecy; and also to communicate to the same House such information as he may have received touching the forgery of papers purporting to be those of American vessels, the Secretary of State has the honor of laying before the President the following papers, viz:

1. Extract of a letter from Mr. Smith, Secretary of State, to General Armstrong, Minister Plenipotentiary of the United States at Paris, dated March 15, 1809.
2. Copy of a note from General Armstrong to Count Champagny, Minister of Exterior Relations at Paris, dated 29th April, 1809.
3. Extract of a letter from Mr. Smith to Mr. Pinkney, Minister Plenipotentiary of the United States at London, dated March 15th, 1809.
- 4th. Extract of a letter from Mr. Pinkney to Mr. Smith, dated May 1, 1809.
- A. Extracts of a letter from John M. Forbes, Consul of the United States at Hamburg, to Mr. Madison, Secretary of State, dated 13th November, 1807.
- B. Extracts of a letter from Mr. Lee, Commercial Agent of the United States at Bordeaux, to the same, dated November 1, 1808.
- C. Copy of a letter from Mr. Hackley, Consul of the United States at St. Lucar, to Mr. Smith, dated Cadiz, 23d March, 1809.
- D. Sundry original documents belonging to, and concerning the ship Aurora, of New York.
- E. Extract of a letter from Mr. Harris, Consul of the United States at St. Petersburg, to Mr. Smith, dated 25th October, 1809, covering certain papers belonging to the ship called the Georgia, of New York.
- F. Extracts of a letter from John M. Forbes, dated November 7, 1809, to Mr. Smith, covering the forged sea-letter of the ship Arno, of Boston, dated August 21st, 1809; also a letter of the same date, signed Stephen Higginson and company, to Captain William Kempton.
- G. Extract of a letter from William Kirkpatrick, Consul of the United States at Malaga, to Mr. Smith, dated November 25, 1809.

It may be proper moreover to state, that various other communications have been received at this Department from the agents of the United States in foreign countries, which mention that the practice prevails of forging American ships papers and documents; but as they do not afford any details, they are not included in this report, which is respectfully submitted.

R. SMITH.

Extract of a letter from the Secretary of State to General Armstrong, Minister Plenipotentiary of the United States at Paris, dated.

“DEPARTMENT OF STATE, March 15, 1809.

“The proceedings of Congress at their late session, combined with the Executive communications, affording, as they do, additional proofs of the pacific disposition of this Government, and of its strict observance of whatever the laws of neutrality require, you will not fail to avail yourself of the just arguments thence deducible in urging the equitable claims of the United States. The 1, 2, 3, 4, 11, and 17th sections of the act

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interdicting our commercial intercourse with Great Britain and France, will, in that view, claim your attention, and especially the 11th section, authorizing the Executive to renew our commerce with the nation withdrawing the operation of its illegal edicts. And you will be careful to let it be understood that the authority thus vested, will, of course, be exercised in the event stated in the law."

General Armstrong to Count Champagny.

"PARIS, April 29, 1809.

"The undersigned Minister Plenipotentiary of the United States, has the honor of presenting to his Excellency the Minister of Exterior Relations, the enclosed copy of a law recently passed by the Legislature of the Union.

"This law, as may be seen by the several provisions of it, has been forced upon them by the extraordinary circumstances of the times, and is to be regarded as an act of precaution, taken with the view only of protecting their own property and rights, and of once more appealing to the interest and justice of those who would disturb or destroy them.

"Your Excellency may be assured, that as nothing has given more disquietude to the United States than the necessity which has impelled them to the adoption of this measure, so nothing will give them more satisfaction than to see that necessity cease. It is in the spirit and sincerity of this declaration, that the undersigned is instructed to add, that any interpretation of the Imperial decrees of the twenty-first of November, 1806, and seventeenth of December 1807, which shall have the effect of leaving unimpaired the maritime rights of the Union, will be instantaneously followed by a revocation of the present act, and a re-establishment of the ordinary commercial intercourse between the two countries.

"I offer your Excellency, &c.

"JOHN ARMSTRONG.

"His Excellency Count CHAMPAIGNY."

Extract of a letter from the Secretary of State to William Pinkney, Esq., Minister Plenipotentiary of the United States in London, dated Department of State, March 15, 1809.

"The proceedings of Congress at their late session, combined with the Executive communications, affording as they do additional proofs of the pacific disposition of this Government, and of its strict observance of whatever the laws of neutrality require, you will not fail to avail yourself of the just arguments thence deducible in urging the equitable claims of the United States. The 1st, 2d, 3d, 4th, 11th, and 17th sections of the act interdicting our commercial intercourse with Great Britain and France, will, in that view, claim your attention, and especially the eleventh section, authorizing the Executive to renew our commerce with the nation withdrawing the operation of its illegal edicts. And you will be careful to let it be understood, that the authority thus vested, will of course be exercised in the event stated in the law."

Extracts from a letter of Mr. Pinkney, Minister Plenipotentiary of the United States, at London, to Mr. Smith, Secretary of State, dated.

"LONDON, May 1, 1809.

"Upon receipt of your letter of the 15th of March, it became my obvious duty to ask a conference with

Mr. Canning. It took place accordingly on Monday the 17th of April."

"With a view to do justice to the character and tendency of the law of the first of March, I called the attention of Mr. Canning in a particular manner to the 11th section, which provides for the renewal of commercial intercourse with the Power revoking or so modifying its edicts as they should cease to violate the neutral commerce of the United States; and in obedience to my instruction I assured him that the authority vested in the President to proclaim such revocation or modification, would not fail to be exercised as the case occurred."

"I entered into a minute explanation of the law of the first of March, and in the course of it availed myself of every inducement of interest which it could be supposed to furnish to this Government to retract its Orders in Council, and of the proofs with which it abounds of the sincere desire of the American Government to cultivate peace and friendship with Great Britain, even while it was repeating what it deemed encroachments and injuries, the most pernicious and alarming."

TREASURY DEPARTMENT, Feb. 16, 1810.

SIR: I have the honor to enclose a statement transmitted by the Collector of Boston, in relation to the ship Arno, which entered Tonningen with a forged sea-letter.

Exclusively of the cases respecting forged marine papers which have from time to time been communicated by the Department of State, one only has come to the knowledge of the Treasury, the particulars of which are explained by the enclosed letter from the Collector of New York, and the papers accompanying the same.

I have the honor to be, &c.

ALBERT GAILLATIN.

The PRESIDENT of the United States.

The above documents, and others accompanying the Message, were ordered to be printed.

TUESDAY, February 20.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting an account of sales of public arms, as authorized by the act of the second of April, 1808; which was read, and ordered to lie on the table.

The House proceeded to consider the amendments of the Senate to the bill, entitled "An act to revive an act, entitled 'An act for the relief of the refugees from the British Provinces of Canada and Nova Scotia, and for other purposes,'" and the same being twice read, were concurred in by the House.

Resolved, That this House do concur in the title amended by the Senate, to read as follows: "An act further to provide for the refugees from the British Provinces of Canada and Nova Scotia, and for other purposes."

The House proceeded to consider the amendments of the Senate to the bill, entitled "An act to prescribe the mode in which application shall be made for the purchase of land at the several land offices; and for the relief of Joab Garret:" and the same being twice read, were concurred in by the House.

H. OF R.

Batture at New Orleans.

FEBRUARY, 1810.

The House resolved itself into a Committee of the Whole on the bill making appropriations for the support of the Navy of the United States, for the year 1810. The bill was reported with several amendments thereto; which were read, and concurred in by the House.

Ordered, That the said bill be engrossed, and read the third time to-morrow.

The House resolved itself into a Committee of the Whole on the bill making appropriation for the support of the Military Establishment of the United States, for the year 1810. The bill was reported with several amendments thereto; which were twice read, and concurred in by the House, and the bill was ordered to be engrossed, and read the third time to-morrow.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act making appropriations for the support of the Government, during the year 1810," with amendments; to which they desire the concurrence of this House.

The House resumed the consideration of the bill providing for the third census, or enumeration of the inhabitants of the United States, together with the amendments of the Committee of the whole House to the same; and the said amendments being again twice read, were in part concurred in, and in part disagreed to by the House.

On motion of Mr BIRB, the said bill was further amended and ordered to be engrossed, and read the third time to-morrow.

The SPEAKER laid before the House a letter from Peter Landais, in relation to the report of the Committee of Claims on his petition; which was ordered to lie on the table.

WEDNESDAY, February 21.

Mr. NEWTON, from the Committee of Commerce and Manufactures, presented a bill for the relief of William Weymouth; which was read twice and committed to a Committee of the Whole on Friday next.

Mr. MORROW from the Committee on the Public Lands, made a report on the petition of the Governor, Judges, and Secretary, of the Illinois Territory, referred on the seventh instant; which was read, and the resolution therein contained concurred in by the House, as follows:

Resolved, That the prayer of the petitioners ought not to be granted.

On motion of Mr. QUINCY,

Resolved. That a committee be appointed to inquire into the state of the ancient public records and archives of the United States, with authority to consider whether any, and what, provision be necessary for a more safe and orderly preservation of them, with leave to report by bill, or otherwise.

Ordered, That Mr. QUINCY, Mr. VAN HORN, and Mr. SWOPE, be appointed a committee, pursuant to the said resolution.

Mr. MONTGOMERY moved for the printing of two papers contained in the Message yesterday received from the President of the United States,

viz: a copy of a genuine clearance by the New York custom-house to Captain Gardner, of the ship Jane, showing that he had sailed from that port for Liverpool with cotton, flour, staves, and boards; and copies of forged documents produced by Captain Gardner of the ship Jane, at Amsterdam, in order to obtain admission there as if he had arrived with a cargo of sugar from New York, the drawback papers of which were also forged, intended to prove that the sugar was not of British origin. Motion agreed to.

Mr. GOLD, from the committee appointed on the seventeenth ultimo, presented a bill to authorize the Secretary of War to ascertain and settle, by the appointment of Commissioners, the exterior line of the public land at West Point, with the adjoining proprietor; which was read twice and committed to a Committee of the Whole on Monday next.

The House proceeded to consider the amendments of the Senate to the bill, entitled "An act making appropriations for the support of Government, during the year 1810:" Whereupon, the said bill and amendments were recommitted to a Committee of the Whole to-morrow.

An engrossed bill making appropriations for the Navy of the United States, for the year 1810, was read the third time, and passed.

Mr. P. B. PORTER presented a remonstrance and petition from sundry inhabitants of the Territory of Michigan, expressive of their approbation of the form of Government existing in said Territory, and praying, under their present system of Government, to be allowed to elect and send a Delegate to Congress.—*Ordered* to lie on the table.

An engrossed bill making appropriations for the Military Establishment of the United States, during the year 1810, was read the third time.

An engrossed bill to provide for the third census, or enumeration of the inhabitants of the United States, was read the third time, and passed.

BATTURE AT NEW ORLEANS.

The SPEAKER laid before the House a letter from Edward Livingston, expressing his desire of a speedy determination with respect to his claim to the batture in the city of New Orleans; which was read, and ordered to lie on the table.

A motion was made by Mr. BIRB, that the House do come to the following resolutions:

Resolved, That the interest in, or title to, the batture fronting the suburb St. Mary, in the city of New Orleans, which may have vested in the United States by the treaty of cession between the United States and France, concluded at Paris the thirtieth of April, one thousand eight hundred and three, be transferred to, and vested in, the Corporation of the City of New Orleans, so far as to enable said Corporation to defend any suit or action which may be instituted for the recovery of the whole or any part of said batture, in any court having competent power and jurisdiction to hear and determine the same; and if no suit or action shall be instituted and prosecuted to final judgment or decree, within ——— years, all individual claim, right, or title, to the said batture, shall thenceforth be forever barred.

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William Weymouth—Foreign Intercourse.

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Resolved, That the said batture shall be used and enjoyed as a public highway and landing place, as well by the citizens of the United States as the inhabitants of the city of New Orleans, who shall continue to use and enjoy the right of digging and carrying earth from the said batture for making and repairing public streets and levees and other purposes, which they were accustomed to use and enjoy under the late Spanish Government.

A motion was made by Mr. BING, that the said resolutions be committed to the Committee of the Whole to whom is committed sundry papers in relation to the said batture.

A division of the question to refer the said resolution was called for: On which, the question was taken to refer the first of the resolutions to the Committee of the whole House, and resolved in the affirmative.

The question was then taken upon the reference of the second resolution, and resolved in the affirmative.

WILLIAM WEYMOUTH.

Mr. NEWTON made a detailed report of facts relating to the case of William Weymouth; which was read, and committed to the Committee of the Whole. The report is as follows:

The petitioner states that, on or about the year 1803, Mrs. Lucy Redford, widow and Executrix of James Redford, deceased, of Henrico county, in the State of Virginia, authorized the petitioner to apprehend a negro man, named Oliver, belonging to the estate of the said James Redford, deceased, and who was supposed to be living in New York. The petitioner states, that he found the said slave in New York, that he had him apprehended, and proved, to the satisfaction of Jacob Delamontagnio, one of the justices of the police office, in the said city of New York, that Oliver was a fugitive slave, on which he was committed to the custody of the keeper of Bridewell; that, on or about the 3d of March, 1809, the said slave was delivered to him, to be removed to his owner, residing in Virginia aforesaid. The petitioner further states, that, at the time last mentioned, he was master of the schooner Weymouth, bound from New York to Richmond, and that he took the slave on board, for the purpose aforementioned, and set sail for Richmond; but that, before he cleared the harbor of New York, two persons came on board, one of whom was a deputy sheriff, and, by force or virtue of a real or pretended authority, took the said slave from the vessel, and carried him back to the city.

The petitioner further states, that he has been arrested, at the suit of the United States, and one Isaac Sherman, in an action of debt for the penalty of one thousand dollars, for not having, previous to the departure of the schooner from the port of New York, made out and subscribed duplicate manifests of having such slave on board, according to the directions of the ninth section of the act, entitled "An act to prohibit the importation of slaves into any port or place within the jurisdiction of the United States, from and after the first day of January, in the year 1808."

The Committee of Commerce and Manufactures do not hesitate to decide in favor of the petitioner. It is a case clearly made out; it is in every respect entitled to the same relief which was granted to Levin Jones, this session of Congress. As the cases are similar in principle, though differing in circumstances, the committee beg leave to refer to the report made in favor of

Levin Jones, and solicit that it may be taken as a part of this report.

The committee recommend the adoption of the following resolution:

Resolved, That leave be given to report a bill for the relief of William W. Weymouth.

FOREIGN LICENSES TO TRADE.

The House resolved itself into a Committee of the Whole, on the bill to deprive, in certain cases, vessels of their American character, &c.

The amendment moved by Mr. FISK to authorize the armed vessels of the United States to bring into the ports of the United States, vessels violating this law, was agreed to, 53 to 31.

Some debate took place on the details of the bill, but no further amendment was made, before the Committee rose, reported progress, and obtained leave to sit again.

THURSDAY, February 22.

The SPEAKER laid before the House a letter from the Postmaster General, enclosing his report of such a system as will enable the House to comprise into one the several laws which are now in force respecting the post offices and post roads within the United States, in obedience to a resolution of the 28th of June last; which were referred to the Committee on Post Offices and Post Roads.

Mr. BASSETT, from the Committee on the Naval Establishment of the United States, made a farther report, in part; which was read, and committed to the Committee of the Whole, to whom is committed the bill in relation to pensions and rations of the officers of the Navy.

FOREIGN INTERCOURSE.

Mr. UPHAM stated that when the bill making appropriations for the support of Government was before this House, he had voted in favor of the appropriations for the expenses of foreign intercourse; but, in so doing, he had kept in view his Constitutional right of inquiring how the moneys heretofore appropriated had been applied. For the purpose of obtaining information on the subject, he moved a resolution calling for a statement of the manner in which moneys appropriated for expenses of foreign intercourse for two years past have been applied.

The resolution is as follows:

Resolved, That the Secretary of the Treasury be directed to lay before this House a statement of moneys drawn from the Treasury in the years 1808 and 1809, on account of expenses and contingent expenses of intercourse with foreign nations, with a statement of the manner in which the same have been accounted for; therein specifying the sums respectively drawn for expenses or contingent expenses, and distinguishing the sums for contingencies specially accounted for from any sums settled by certificate or expenditures which it may have been thought advisable not to specify.

Mr. SHEFFEY suggested to the gentleman that the resolution was unnecessary, as the committee appointed to inquire into the manner in which the moneys appropriated for eight years past had

been applied, had already called for the same information. After the discussion on this subject which took place on the appropriation bill, Mr. S. said, he, as chairman of that committee, had thought it his duty to call upon the Secretary of the Treasury for this information, which, when reported to the committee, would no doubt be by them laid before the House.

On motion of Mr. UPHAM, his motion was ordered to lie on the table.

The House resolved itself into a Committee of the Whole, on the amendments of the Senate to the bill making appropriations for the support of Government for the year 1810.

The Committee rose and reported their agreement to the amendments, which were concurred in by the House.

NATIONAL BANK.

Mr. LOVE said he rose to offer a resolution on a subject which he believed every member of the House would agree to be of great importance, and which circumstances rendered it necessary for Congress speedily to act on. A report, he said, had been made on the petition of the President and Directors of the company incorporated under the name of the United States Bank, which, he would take the liberty to say, presented no question on the subject of a National Bank which it was either expedient or necessary to discuss, but the discussion of which, he conceived, could only produce an useless waste of time. Had that report presented a general view of the reasoning and principles relative to such institutions, he would not have troubled the House with the observations he intended to make; but, by an examination of it, it appears that after the delay of many days' debate, we should be no nearer a decision on the questions the fate of the measure would turn on, than when we commenced. My object, said Mr. L., is, therefore, to place the inquiry on the broader ground of general propriety, and to endeavor to present some views of the mode in which the establishment of a National Bank may be best carried into effect, and show how the question of constitutionality in establishing it, has no application to us here. On a reference of a similar petition to the Secretary of the Treasury, we have been furnished with a report in detail, in which the utility of a bank has been urged principally on four grounds: 1. Safe-keeping of public moneys; 2. Transmission of public moneys; 3. Collection of the revenue; 4. Loans; being in this respect a ready resource, as experience had shown.

The Secretary of the Treasury, in the report alluded to, fixed the amount of a capital to which a National Bank might safely be extended, at thirty millions of dollars. The reasons for an opinion that such an amount of capital might be created and safely acted on, are not stated, but, I think, may readily be conceived. If we look back to the state of this country in the year 1791, when the United States Bank Company was established with a capital of ten millions of dollars, all of which was immediately taken up, and

so anxiously sought for that stock rose to fifty or more per cent. above par, we cannot doubt that an equal facility would be found at the present time in creating a bank with a capital of three times that amount; indeed, scarcely a doubt can exist but that it might then have been established on so extended a basis. The uses for circulating medium have, since that time, certainly increased in more than a three-fold ratio—adverting to the state of commerce and manufactures, of internal improvement and expenditure. It is, however, not easy, I will acknowledge, to fix on the quantity of circulating medium required by the state of society in the United States; it may not be possible to furnish any satisfactory data on which this *quantum* should be decided. A reference to the state of circulation in other countries may, indeed, serve to show that we have not yet experienced an excess.

In the United States, it is conjectured that there may, at this time, be banks of a public and private kind together, to the amount of \$60,000,000. The addition proposed in the report of the Secretary of the Treasury, and, also, in the plan I am about to submit, would be \$20,000,000, making in all \$80,000,000 of bank capital in the United States. In England, a country with whose internal affairs we are, perhaps, next to our own, best acquainted, we are told by their writers on economy, there is in existence, including the chartered bank, a bank capital equal to six hundred millions of dollars, which, allowing the population to be about nine millions, (and some say less,) would give a portion of more than sixty-six dollars to each head. In the United States, our free population is, perhaps, about six millions at this time, giving a portion of thirteen dollars and one-third to each head. England is a commercial nation, it is true, but much of it consists in external commerce, in conducting which, bank paper cannot be used, and in some of the most extensive branches of which, the use of specie operates against the success of banking institutions. In the United States, the exportation of our products has always been greatly aided by the facilities afforded merchants in the purchase of it through the means of the banks. Our bank paper here, is employed then directly in the purposes of the most substantial and beneficial objects of external commerce. In England, the banks, it is said, afford great accommodations to the manufacturers by loans, but little to the merchant, unless in discounts of bills of exchange, and other real transactions. Should our manufactures continue to increase, we shall, in conducting them, have use for an increased circulation, and in addition to the nature of the demand they have in England for carrying on those works, we want an amount of circulation for the purpose of constructing them.

But on this subject I forbear, at present to enlarge. I should, as it is a question involved in uncertainty, be willing to rely on the opinion not yet contradicted, of the capacity of the country to bear an establishment of a National Bank to the amount of \$30,000,000. If an evil is sup-

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posed to exist from the extension of bank capital, I presume it will be found to be in the numerous institutions of the kind which have been permitted to be established without the sanction of law; an evil which it is not difficult to demonstrate the establishment of a National Bank on an extensive capital would have a certain tendency to obviate.

Having premised these general observations on the important subject of a National Bank, I will proceed to present to the House a plan, or rather, a varied view of a plan, on which, or some of which, such an establishment might, perhaps, most advantageously be erected. In doing so, I beg it may be considered that I feel by no means confident that I present the best, or even the most practicable mode of effecting this purpose. It may lead, however, to inquiry, and when the ability of this House shall seriously engage in the task, no doubt can remain of its accomplishment. I therefore proceed to submit the following plan of a National Bank, with a capital not to exceed \$30,000,000:

Fund 1. \$10,000,000 in stock, which the Government may immediately create, receivable in subscriptions to the National Bank, when the books shall be opened in March, 1811. This stock, after that date, to bear an interest of six per cent. and let it be optional with the holder to subscribe it to the National Bank or not.

[I shall presently show that this fund would probably be worth at least \$2,000,000 to the United States, independent of the accommodation the loan would furnish.]

Fund 2. \$6,000,000, to be subscribed on the part of the United States, payable in ten annual instalments, bearing an interest of three per cent.

[This fund, I shall show, would be worth about \$4,200,000 to the United States.]

Fund 3. \$10,000,000, payable one-half in specie, the other half in six per cent. stock of the United States, either that already in existence, or such as the United States might create before the books were opened. This fund, payable one-fourth at the time of subscription, the balance in three equal instalments of ninety days each, or by the United States Bank Company, or the States, if more eligible.

Fund 4. \$4,000,000, to be subscribed for or not, as the stockholders should determine at any time after the first meeting, on the terms of the last mentioned item, or by the banks in the District of Columbia, if they choose.

And before I proceed to comment on the nature of these funds, I will take the other view I have mentioned of the third and fourth constituent funds.

The third item of funds might be changed in part, or the whole, by admitting the Company of the United States Bank to subscribe their whole stock, or only so much thereof as is held by citizens. In either case, the amount subscribed should be paid one half in specie, and the other half in good debts due, or to become due in sixty or ninety days from the time of subscription, endorsed by the President and Directors on behalf

of the company. The old certificates of stock shall be surrendered and new ones taken.

And the fourth item of funds might be changed, and the sum of \$4,000,000 be subscribed in like manner as that last mentioned, by the different banks in the District of Columbia, or such of them as the stockholders of those institutions might choose should contribute their funds.

But if the commissioners who shall be appointed to receive subscriptions to the National Bank, should not be notified of the intention of the banks of the United States, and the banks of the District, or such of them as choose to incorporate their stock with the National Bank, within three days after the books to receive subscriptions are open, and the terms of subscription actually complied with in thirty days from that time, they shall receive subscriptions in the manner mentioned in the third item of funds, to the amount of ten millions, or for so much as the said subscriptions on the part of that company shall fall short of ten millions.

The said banks, or such of them as accede to the terms proposed, may continue for a limited time, not exceeding five years, the loans for the balance of the debts due them under their present establishments; granting, however, no new loans, not even for the interest on such debts, nor issuing any new bank notes. This provision, together with that for receiving the notes or bills discounted in part payment for the new stock, would certainly be sufficient to prevent any danger of distress to the customers of the present banks, from the denial of accommodation. Should it be deemed best to exclude foreigners from holding stock in the National Bank, if the Company of the United States Bank should accede to the terms proposed, the most ample justice would be done them by giving them a limited time to dispose of it to our citizens, or to exchange it for the debt of the United States, which there would be no danger, but an increased safety from their holding.

This plan contemplates the establishment of the mother bank within the District of Columbia, with such a portion of the capital as might be found convenient, and the establishment of branches in the most advantageous situations in the States, with the consent of the States, as already given in most of them; for, so far, it is immaterial whether the present United States Bank Company accede to the proposal or not, for the existing charter of the United States Bank ceasing to operate by the laws which have been passed in the several States authorizing those establishments for the accommodation of the General Government, the right would be considered as already transferred, and in those States where no such establishments have been made, little doubt could be entertained of a permission to establish branches of a bank which should partake less of the quality of a monopoly and be better calculated for the general purposes of good to the country. I will only here observe that I do not mean that the United States could claim for their National Bank the property now spe-

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cially vested in the present company, but, that the right of that company to exercise the permission of the States will cease with their charter, and to this right, but not their property, the United States would succeed in any change of the mere institution. This is a legal question, which, I have no doubt, can be here supported, should a progress in this business render it necessary. If I am correct, no Constitutional question on the right of this Government to create a body corporate need to be discussed. It is admitted to exist as it respects this District, where the mother bank would be established, and had not the States already granted it, no doubt ought now, more than in the year 1791, to be entertained of their permission. The resolution submitted by the committee on the petition of the United States Bank Company was intended to present this question of constitutionality; and were we now compelled, for the first time, to discuss the direct point of constitutionality, as in 1791, I should say the minority on that occasion urged unanswerable objections; but the people have sanctioned the power, the States have recognised it by their laws, (I speak, at least, of Virginia,) Congress has subsequently acted on it, courts have made decisions on it, punishments have been inflicted in support of it, and the financial department of our Government has not propounded a doubt as supposed to exist. Avoiding, therefore, any argument on this question, as unnecessary from the mode of establishing this bank, as from the already expressed assent of the people and of the States to the exercise of the power, I will confine my remarks to the part of the subject which may be considered financial, and endeavor to explain more specially the nature of the funds of which the new National Bank is proposed to be constituted, premising, however, that the modifications, which in any of the ways proposed, or in any other which a committee might think proper to adopt, would be a subject of subsequent discussion; and, as to fund number one, should the state of the finances render it necessary to use the whole of this fund immediately, it is probable, from the best accounts, it would produce a sum not less than \$12,000,000.

Let the Secretary of the Treasury, under the direction of the President, be authorized to open subscriptions in the principal cities for this loan. The stock thus receivable in subscriptions to the National Bank be sold to the best bidder. The information of the most intelligent men assures us that the United States can borrow money to the amount of \$50,000,000. When, therefore, a mode of creating stock is devised, which shall insure six per cent., and the option of investing it in the National Bank, no doubt can be entertained of a ready sale at an advance of twenty per cent. on the principal, which would add a clear sum to our Treasury of \$2,000,000. Many gentlemen with whom I have conversed on this subject, think forty per cent. would be obtained on the principal, making a clear sum of \$4,000,000. Let it be estimated, however, at \$2,000,000, and I will say nothing either of the advantage

the United States would enjoy by the advance of the money they might want till March 1811, without interest, although that might be worth something considerable. We have already, and are daily now in the practice of setting up public contracts to the best bidder; no objection, therefore, exists to the principle, it is presumed.

But if the United States should, from a restoration of neutral rights and a successful commerce, or by a continuation of peace, not require so large a sum, any part which the Treasury might not want, might not be sold till the books were open, when it would sell probably at a still greater advance; or, in case we should be disappointed in the sale of stock as contemplated, any part of this item not taken up, might be transferred to fund number two, with this difference, that such part of the transferred fund as the United States might take should be chargeable with an interest of six per cent. instead of three per cent., under the idea that the United States ought not, in justice, nor would the institution probably bear an advantage of so great magnitude as would be given us by taking so large a portion of the stock on such terms. At six per cent., the stock would be worth something to the United States, and might be readily sold at an advance, while the debt of the United States to the bank bearing this interest might be sold, at least, at par. Or, the balance of this fund, in the event of its not being sold, might at once be transferred to fund number three, and a smaller portion of specie be required to be paid on the whole fund so united, and in either way, provision be made for the States to subscribe, if they thought proper.

Fund number two, forms a very important portion of interest to the United States. It will give to the Government, on the fairest principles of justice, a claim to a share in the administration of the bank. It may be asserted, and proved to be necessary in a peculiar degree, from our relative situation with foreign nations, particularly if the capital is a large one, and the term of continuance for the charter considerable. Specific propositions on this part of the subject must be reserved, however, for the details of a report or a bill. I have before glanced at some of them. The fund itself will produce to the United States, annually, rating dividends of the bank at eight per cent., (a fraction less than they have averaged,) the sum of \$300,000, which would be equal to the discharge of half the instalments in principal. The whole gross sum received from the stock in ten years, would be probably about \$3,000,000; but the three per cent. would be extinguished every year for a tenth part, which, rating money at the value of five per cent. only, would produce a bonus to the Government in this item of an additional \$1,200,000, making it really worth to us \$4,200,000, on the most moderate and unfavorable mode of calculation.

Thus these two items would be worth to the United States at least \$6,200,000. But if the stock was not sold, as contemplated by the first item, it would probably be worth much more at the time of subscription than now.

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The one-half of fund number three, might also be applied, in case an intermediate call of an extraordinary kind for money should take place from war, or a further embarrassment of our commerce, in aid of the revenue, by authorizing stock to be issued in similar manner to number one; with this difference, that it should be received for one-half of the subscription, and the balance in cash, by instalments. This alternative might be made subject to the determination of the United States Bank Company, to be ascertained in a limited time, whether it would subscribe its stock in the manner I have before mentioned, or such portion of it as Congress may think proper to admit, distinguishing, if we thought proper, between the holders of it who at the time of subscription are citizens, and those who are foreigners. So far, however, in any way, as the subscription should be made on the part of the United States Bank, it would certainly be attended with a loss to the United States.

If the whole funds should not be subscribed, independent of the fourth item, in thirty days after the books open, the directors may close them for a period not exceeding five years, or not, as they find most proper, unless otherwise ordered by law.

An institution thus established at the seat of Government, under the eye of its Administration, in the management of which the nation itself would enjoy a just proportion, from the interest it would hold in its funds, would claim, and merit the confidence of the people and of the world. It would no longer, when under such control, be unsafe to permit it to deal in the public securities of the country; it would be rendered the most convenient and happy instrument for the preservation of public credit; it would be the means of affording every facility, under proper regulations, which might be required in times the most distressing to our finances. Let me not be understood to say, that this capital, or any very large portion of it, would be necessary at the seat of Government; on the contrary, no diminution would probably be suffered by the branches from that portion they now hold. The Bank of the United States at Philadelphia would, as a branch, perhaps, wield the capital it does now as a mother bank. But, sir, other branches might be erected, the fund would stand a better chance to have a direction for the public good. In times of peace and prosperity large sums would be accumulated, beyond the possible operations of the Sinking Fund; would not these be best applied then, in union with the funds for internal improvements, or at least, in aid of them? It would, sir, be the work of a whole day to enumerate the certain benefits which would result to the people of this country from the operation of this system. Shall we, then, throw away these flattering prospects the present period presents for such an establishment? Shall we give away more than six millions of the people's property—for they have a property in the advantages our situation presents—and take the pitiful sum of one million two hundred and fifty thousand dollars, all, the

Secretary of the Treasury informs us, this company called the United States Bank can give us? Shall we pour into the lap of this rich Dutch and English company, for so it is by a majority of three-fourths, these immense advantages, by continuing to them the monopoly of this important branch of our resources? Can justice to those we represent sanction it? Does justice to that company? But I forbear.

I beg leave, now sir, to submit the resolution for inquiring into the propriety of establishing a National Bank, for there is none now in existence, whatever might once have been thought of the institution called so, while we had a share in its funds; but never, in my opinion, properly called so, as the nation never had a voice in its management, or any efficient control whatever over it.

I ask a reference of the resolution, and should certainly have asked its reference to the Secretary of the Treasury, had I not observed that it is stated in the report of the committee I have alluded to, that he had already made a report, to which he referred, and, I presume, could only again refer. It is, then, left for us to institute this great inquiry, nor do I, in the least, apprehend that the nation will not here find a sufficient fund of knowledge and experience on the subject to promote and enforce their interests by the most correct measures.

Mr. LOVE then offered the following resolution:

Resolved, That it is expedient to inquire into the propriety of establishing a National Bank.

The resolution was read, and referred to the Committee of the Whole, to whom is committed the report of a select committee on the memorial of the stockholders of the Bank of the United States.

COMMERCIAL INTERCOURSE.

The bill concerning commercial intercourse, &c., having been returned from the Senate with amendments, (viz: striking out all but the first, second, and twelfth sections,)

Mr. DAWSON moved to refer the bill to a Committee of the Whole. Negatived—ayes 35.

Mr. SMILIE said he was always disposed to treat the Senate with due respect; but, after the extraordinary amendments they had made to the bill, he thought the House ought not to precipitate a decision on it. He, therefore, moved to postpone it till Saturday.

Mr. DAWSON said he wished to propose to amend the amendment of the Senate; and, as the House had refused to commit the bill, he hoped a postponement would take place.

Mr. TAYLOR said he had no objection that the bill should lie over until to-morrow; but there was a loud call on the House for an immediate decision on it. The bill has had a long journey, and travelled slowly. Speculations are going on from one end of the continent to the other. Those who were in the secret, and who may now be in the secret, as to the eventual fate of the bill, will, if the bill be postponed, have a further time to prey on society. I would put by every other

business till this is decided on. Postponing it would be trifling with the feelings of the nation. I am not for imitating the slow and strange progress this bill, somehow or other, has travelled elsewhere.

Mr. GOLD perfectly concurred in opinion with Mr. T., that the bill ought not to be postponed so long as proposed. It could not be said that, during the former discussion of the bill, every member had not an opportunity of taking every view of the bill of which it is susceptible. No further delay, therefore, was necessary.

Mr. BACON was desirous that the bill should be postponed, but only till to-morrow. He was not wholly prepared to vote on the amendments of the Senate; and he was apprehensive that the section of the bill which repeals the non-intercourse does away all penalties incurred under the embargo law.

Some further conversation took place on the motion to postpone. Mr. KEY did not construe the provision of the bill as Mr. BACON did.

Mr. MACON hoped the law would not be longer delayed than till to-morrow. If the bill was to pass, it was proper to pass it as early as possible, in order to place the honest and scrupulous merchant on a ground of equality with the dishonest man who feels himself unrestrained by the laws of the country. Every day it was delayed would give an advantage over the moral to the immoral part of society.

Mr. BIRB could not see the propriety of postponing the bill even till to-morrow. There was no question to be decided on which every member had not already made up his mind. Although he preferred the bill as it went to the Senate, he should vote for the amendment if the question were now taken.

Mr. GARDENIER differed from Mr. BACON as to his construction of the law. If the gentleman could convince him that, by the bill as it now stood, all penalties heretofore incurred would be done away, he should certainly be against all postponement or alteration of it. When an offence, constituted by law, is done away, penalties should go with it. In such a case penalties can only be enforced for the sake of vengeance. Mr. G. said he should hope that the construction was correct. He should like to see, this 22nd of February, a jubilee, commemorated by a release from embargo, non-intercourse, &c., that nothing might be left to remind this happy country of this whole hostile system.

Mr. MUMFORD hoped that the House would come to a decision this day, for great speculations were going on, to the manifest injury of the honest citizens. They ought to know what they were to depend on. All parts of the Union were looking to this House for protection, and he hoped it would be given to them.

Mr. VAN HORN was also against postponement, and wished the question taken this evening, to prevent the progress of speculations, which were ruining the agricultural interest. Was it intended to give to speculators a few days more to hunt up

produce through the country? He asked, in behalf of the agricultural people of this country, that the House would no longer delay a decision of this question. He had no more doubt that the bill would pass as it came from the Senate than he had that he now existed; and why, then, should it be delayed?

Mr. FISK said he viewed the bill in a very different light from that in which it appeared to some. The consideration of speculators had no weight with him; the argument that merchants were waiting to make shipments had as little, for it was worthy of consideration that Congress had been legislating for the merchants since 1805, and that every measure adopted for their benefit had been opposed by them. It was worthy of at least twenty-four hours' reflection when a new measure was proposed. We are not sent here by the merchants, said he. We have the interest of the nation to consult, and while the merchants and speculators are looking to our measures to see how they may terminate a bargain to the best advantage, for which reason only they seem to look to you at all, the nation is looking at your measures. And we owe it to the nation, to our constituents, to weigh well before we act.

Mr. SMILLIE said that he wished at least one evening for reflection. He could not, with the gentleman from Maryland, say how other members would vote on the question; but it concerned himself to know how he should vote, and in what manner to do it so that he could account to his constituents for his vote. Would gentlemen see no difficulty in changing their votes, which they had so often recorded on their journals, merely because another body thought differently? It was hard that a few hours' reflection could not be allowed to those who required it.

Mr. LOVE was astonished at the desire of some gentlemen to precipitate. He said that this was the first time the question had been presented to the House directly, whether they would humbly submit. Would they bow down the knee of submission? Gentlemen must recollect with what astonishment most members of this House had heard of the amendments adopted by the Senate. For his part, Mr. L. said, he could not account for it in any other way but by supposing that the President must have laid before the Senate treaties securing our commercial rights. And, after so unexpected a course, was the House to be forced into a decision without a moment's reflection?

A motion was now made to adjourn, and negatived—yeas 49, nays 79, as follows:

YEAS—Willis Alston, jun., Ezekiel Bacon, David Bard, Burwell Bassett, John Brown, Joseph Calhoun, Matthew Clay, John Clopton, James Cox, William Crawford, Richard Cutts, John Dawson, Wm. Findley, Jonathan Fisk, Barzillai Gannett, Gideon Gardner, Thomas Gholson, jun., William Helms, James Holland, Jacob Hufty, Walter Jones, John Love, Aaron Lyle, Nathaniel Macon, Robert Marion, Alexander McKim, John Montgomery, Nicholas R. Moore, Jeremiah Morrow, Thomas Newbold, Thomas Newton,

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John Porter, Peter B. Porter, John Rea of Pennsylvania, John Rhea of Tennessee, Matthias Richards, John Roane, Erastus Root, Ebenezer Sage, Thomas Sammons, Ebenezer Seaver, John Smilie, Geo. Smith, John Smith, Henry Southard, Richard Stanford, John Thompson, Robert Whitehill, and Richard Winn.

NAVS—Lemuel J. Alston, William Anderson, Wm. W. Bibb, Daniel Blaisdell, Adam Boyd, James Breckenridge, William A. Burwell, William Butler, John Campbell, John C. Chamberlain, William Chamberlin, Epaphroditus Champion, Martin Chittenden, Jas. Cochran, Howell Cobb, Samuel W. Dana, Joseph Desha, William Ely, James Emott, Barent Gardenier, David S. Garland, Peterson Goodwyn, Thomas R. Gold, Wm. Hale, Nathaniel A. Haven, Daniel Heister, Benjamin Howard, Jonathan H. Hubbard, Richard Jackson, jun., Robert Jenkins, Richard M. Johnson, Wm. Kennedy, Philip B. Key, Herman Knickerbacker, Edward St. Loe Livermore, Robert Le Roy Livingston, Matthew Lyon, Vincent Matthews, Archibald McBryde, Samuel McKee, Pleasant M. Miller, William Milnor, Thomas Moore, Jonathan O. Moseley, Gurdon S. Mumford, Joseph Pearson, Benjamin Pickman, jun., Timothy Pitkin, jun., Elisha R. Potter, Josiah Quincy, John Ross, Adam Seybert, Daniel Sheffield, Dennis Smelt, John Stanley, William Stedman, James Stephenson, Lewis B. Sturges, Jacob Swoope, Samuel Taggart, John Taylor, Uri Tracy, Charles Turner, jun., Jabez Upham, Nicholas Van Dyke, Archibald Van Horn, Killian K. Van Rensselaer, Robert Weakley, Laban Wheaton, Ezekiel Whitman, James Wilson, and Robert Witherspoon.

The question on the motion to postpone till Saturday was taken and negatived.

Mr. W. ALSTON, wishing time to reflect on the question of construction raised by Mr. BACON, moved to adjourn. Negatived—62 to 54.

The question was stated on concurring with the Senate.

Mr. MACON said that the great ground on which this bill had been advocated in this House, was, that it would keep us in peace. Everything going to that end had been struck out in the Senate. He said it was well understood that there were two parties in this nation, one for war with Britain, and one for war with France. It behooved those who wished to maintain the peace of the nation to stand up for the bill. However others might give up their opinions, he would not. As he meant not to be driven from the ground he had taken and supported, of neutrality as to both belligerents, he meant to abide by the bill as it went from the House.

Mr. ROSS was in favor of the amendment of the Senate, for he considered the bill as it went from the House as not calculated to assert the honor and dignity of the nation. As to preserving peace, there was nothing in the sections retained which was calculated to irritate or disturb the feelings of either belligerent. Therefore, gentlemen desirous of preserving peace had nothing to fear from voting for it. It had been allowed that the non-intercourse was a nullity. Why, then, were gentlemen alarmed at this shadow of a shade's going to the tomb? He thought the last section retained went to do away a system;

the doing away of which would be the precursor of a system better calculated to maintain our rights. Its passage certainly would not prevent other measures from being adopted.

A motion was now made to adjourn. Negatived, 59 to 55.

Mr. DANA said that he, as well as the gentleman from North Carolina. (Mr. MACON,) was for peace, and therefore, in that respect, he and the gentleman were of the same opinion. Mr. D. declared himself decidedly of the American peace party; and, therefore, was for the amendments to the bill, because they certainly could not produce a war with either belligerent.

Mr. JOHNSON said that, connected with the circumstances under which this bill had come to the House, he would as soon vote for a proposition to tear from the journals of the Old Congress the Declaration of Independence as for the amendments of the Senate. However weak the non-intercourse might be, he would never vote for its repeal until a substitute was adopted. He considered that if the bill passed as amended, it would be that kind of submission from which the nation never could emerge. With his consent this Hall should never be polluted by the passage of such an act. Were he certain the roof would fall and crush him after voting against the amendments, he would not hesitate to die with his vote.

Mr. FRISK observed that he did not rise to fatigue the House with a detailed speech. It had become almost an offence against the House to mention the insults and injuries this nation had received from the belligerents. But a few weeks ago a resolution came from the Senate appraising the House of their sense of insolence in a foreign Minister, and solemnly pledging the resources of the nation to support the Executive in repelling it. And now these amendments to the bill had been received from the same body! What is the effect of the amendments? To repeal every shade, to destroy every pretence, of resistance to this system of aggression of the belligerents—and why is this to be done? The mercantile interest requires it—the merchants are uneasy. I, for one, sir, am tired, and the nation is weary of this sort of reasoning. In what a dilemma has it placed us since 1805! Look to the acts of Government; look to their proceedings, and then tell me if these merchants are consistent. Mr. F. took a review of the late measures of Government, and the uniform opposition of the merchants. Gentlemen might say that the repeal of the non-intercourse law was to make way for something more energetic. Was it to be believed that those who could not bear to see a few merchant vessels confined in our harbors, were prepared for anything more energetic? Concur in these amendments, said he, and it is the last you hear of resistance. I would as soon concur in surrendering the right of Government to the belligerents, as I would vote for this amendment.

A motion was then made to adjourn, and carried—61 to 57.

H. OF R.

Mrs. Hamilton's Claim—Revolutionary Claims.

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FRIDAY, February 23.

On motion of Mr. POINDEXTER,

Ordered, That the Message from the President of the United States, of the 9th instant, relating to the free navigation of the Mobile river, be referred to Messrs. POINDEXTER, T. MOORE, POYDRAS, STEPHENSON, LIVINGSTON, CAMPBELL, and COOK, to consider and report thereon to the House.

Mr. P. B. PORTER, from the committee appointed on the subject of internal improvements, reported a bill for the improvement of the United States by public roads and canals. [This bill is essentially the same with that originally reported by Mr. POPE in the Senate.] The bill was twice read, and referred to a Committee of the Whole.

Mr. CLORTON, from the committee on so much of the Message of the President of the United States as relates to the fortifications of the ports and harbors of the United States, made a detailed report, stating that, in the opinion of the committee, it was unnecessary at this time to appropriate any additional sum for that purpose.

MRS. HAMILTON'S CLAIM.

This being the day set apart for private business, the House resolved itself into a Committee of the Whole, on the report of the Committee of Claims, on the petition of Elizabeth Hamilton. Messrs. JOHNSTON, ROSS, QUINCY, PITKIN, and FISK, advocated the claim; and Messrs. ALSTON, BACON, HOLLAND, and ROOT, opposed it.

The Committee rose, 55 to 54, at half past four, and obtained leave to sit again.

A motion was made by Mr. GHOLSON to adjourn over to Monday, and negatived—61 to 40; and the House adjourned.

SATURDAY, February 24.

A motion was made by Mr. ROSS, that the House do now adjourn; and the question being taken thereon, it was determined in the negative—yeas 10, nays 61.

A motion was made by Mr. LIVERMORE, that the House do now resume the consideration of the bill, entitled "An act respecting the commercial intercourse between the United States and Great Britain and France, and for other purposes;" and the question being taken thereon, there appeared—yeas 63, nays 62.

The SPEAKER declaring himself with the nays, the question was lost.

The yeas and nays are as follow:

YEAS—Ezekiel Bacon, William W. Bibb, Daniel Blaisdell, James Breckenridge, John Campbell, John C. Chamberlain, William Chamberlin, Epaphroditus Champion, Howell Cobb, James Cochran, Samuel W. Dana, William Ely, James Emott, David S. Garland, Thomas R. Gold, Edwin Gray, William Hale, Nathaniel A. Haven, Daniel Heister, William Helms, Jonathan H. Hubbard, Richard Jackson, jun., Robert Jenkins, William Kennedy, Philip B. Key, Herman Knickerbacker, Joseph Lewis, junior, Edward St. Loc Livermore, Matthew Lyon, Nathaniel Macon, Robert Marion, Vincent Matthews, Archibald McBryde, Samuel McKee, Pleasant M. Miller, William Milnor, Thos.

Moore, Jonathan O. Moseley, Thomas Newbold, John Nicholson, Joseph Pearson, Benjamin Pickman, jr., Timothy Pitkin, jr., Elisha R. Potter, Josiah Quincy, John Ross, Dennis Smelt, Richard Stanford, John Stanley, William Stedman, James Stephenson, Lewis B. Sturges, Jacob Swoope, Samuel Taggart, John Taylor, Nicholas Van Dyke, Archibald Van Horn, Killian K. Van Rensselaer, Robert Weakley, Laban Wheaton, Ezekiel Whitman, James Wilson, and Robert Witherspoon.

NAYS—Lemuel J. Alston, Willis Alston, junior, William Anderson, David Bard, Burwell Bassett, Adam Boyd, John Brown, Robert Brown, William Butler, Joseph Calhoun, Matthew Clay, John Clopton, Orchard Cook, James Cox, William Crawford, Henry Crist, Richard Cutts, John Dawson, Joseph Desha, John W. Eppes, William Findley, Jonathan Fisk, Meshack Franklin, Barzillai Gannett, Barent Gardener, Gideon Gardner, Thomas Gholson, junior, Peterson Goodwyn, James Holland, Benjamin Howard, Jacob Hufty, Richard M. Johnson, Walter Jones, John Love, Aaron Lyle, Alexander McKim, John Montgomery, Nicholas R. Moore, Jeremiah Morrow, Gordon S. Mumford, Thos. Newton, John Porter, John Rea of Pennsylvania, John Rea of Tennessee, Matthias Richards, John Roane, Ebenezer Sage, Thos. Sammons, Lemuel Sawyer, Ebenezer Seaver, Adam Seybert, Samuel Shaw, John Smilie, George Smith, John Smith, Samuel Smith, Henry Southard, John Thompson, George M. Troup, Charles Turner, junior, Robert Whitehill, and Richard Winn.

REVOLUTIONARY CLAIMS.

Mr. ROOT presented the memorial of William Barton and others, of the State of Rhode Island, praying compensation for their services in the Revolution. Mr. R. said that reports had heretofore been made favorable to the justice of the claim. He moved now to refer it to the same Committee of the Whole which had under consideration the report on the petition of Elizabeth Hamilton. He said he wished, if the rampart which defended the Treasury Department was to be broken down, that others, besides Mrs. Hamilton, should be admitted. He wished also to know whether the zeal which gentlemen displayed in favor of this claim was a general zeal, to break down the barriers of the limitation law, or whether it was a zeal for this woman alone.

This motion produced a desultory debate of two hours, in which Messrs. ROOT, SMILIE, LOVE, ALSTON, SOUTHARD, BOYD, and MONTGOMERY, supported; and Messrs. PITKIN, P. B. KEY, GARDENER, GHOLSON, DANA, LYON, GOLD, ROSS, FISK, and JOHNSON, opposed the motion. The debate turned chiefly on a comparison of the nature of the two claims. The great objection to the reference was, that it was an unusual course to refer a petition to a Committee of the Whole, before an investigation into the facts; and that it would be doing injustice to both claims to blend them together.

The motion was negatived—yeas 62, nays 63, as follows:

YEAS—Willis Alston, jr., William Anderson, David Bard, William W. Bibb, Adam Boyd, John Brown, Robert Brown, William Butler, Joseph Calhoun, Matthew Clay, John Clopton, Howell Cobb, James Coch-

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ran, Orchard Cook, James Cox, William Crawford, Henry Crist, Richard Cutts, Joseph Dosh, William Findley, Meshack Franklin, Barzillai Gannett, Gideon Gardner, David S. Garland, Peterson Goodwyn, William Helms, James Holland, Jacob Hufty, William Kennedy, John Love, Aaron Lyle, Robert Marion, Alexander McKim, John Montgomery, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, Thomas Newbold, Thomas Newton, John Porter, John Rea of Pennsylvania, Matthias Richards, John Roane, Erastus Root, Ebenezer Sage, Thomas Sammons, Ebenezer Seaver, Adam Seybert, Samuel Shaw, John Smilie, George Smith, John Smith, Henry Southard, Richard Stanford, John Taylor, John Thompson, George M. Troup, Charles Turner, jr., Robert Weakley, Robert Whitehill, Richard Winn, and Robert Witherspoon.

NAMEs—Lemuel J. Alston, Burwell Bassett, Daniel Blaisdell, James Breckenridge, John Campbell, John C. Chamberlain, Wm. Chamberlin, Epaphroditus Champion, Samuel W. Dana, John Dawson, William Ely, James Emott, John W. Eppes, Jonathan Fisk, Barent Gardener, Thomas Gholson, jr., Thomas R. Gold, Edwin Gray, William Hale, Nathaniel A. Haven, Daniel Heister, Benjamin Howard, Jonathan H. Hubbard, Richard Jackson, junior, Robert Jenkins, Richard M. Johnson, Walter Jones, Philip B. Key, Herman Knickerbacker, Joseph Lewis jr., Edward St. Loe Livermore, Matthew Lyon, Nathaniel Macon, Vincent Matthews, Archibald McBryde, Samuel McKee, Pleasant M. Miller, William Milnor, Jonathan O. Museley, Gurdon S. Mumford, John Nicholson, Joseph Pearson, Benjamin Pickman, jr., Timothy Pitkin, jr., Elisha R. Potter, Josiah Quincy, John Rhea of Tennessee, John Ross, Lemuel Sawyer, Dennis Smelt, Samuel Smith, John Stanley, William Stedman, James Stephenson, Lewis B. Sturges, Jacob Swoope, Samuel Taggart, Nicholas Van Dyke, Archibald Van Horn, Killian K. Van Rensselaer, Laban Wheaton, Ezekiel Whitman, and James Wilson.

MONDAY, February 26.

Mr. **BASSETT**, from the Committee on the Naval Establishment, made a further report, in part; which was read, and referred to a Committee of the Whole on Thursday next.

Mr. **LOVE** presented a petition of the First and Second Chambers of the City Council of Washington, praying for an extension of the powers granted by law to the said Council.—Referred to the Committee for the District of Columbia.

Mr. **P. B. PORTER** presented a petition of sundry French inhabitants of the Territory of Michigan, praying that the General Government will cause to be translated and printed in the French language, such laws of the United States as are applicable to the said Territory, together with such laws as have been adopted by the Territory aforesaid.—Referred to Messrs. P. B. PORTER, GARLAND, and McBRIDE, to consider and report thereon to the House.

Mr. **LOVE**, from the Committee for the District of Columbia, presented a bill to incorporate the Washington Navy Yard Mechanical Society; which was read twice, and committed to a Committee of the Whole on Monday next.

Mr. **LOVE**, from the same committee, also presented a bill to incorporate the Fire Insurance

Company of Alexandria; which was read twice, and committed to a Committee of the Whole on Monday next.

On motion of Mr. **NEWTON**,

Resolved, That the Committee of Commerce and Manufactures be instructed to inquire whether any, and, if any, what, alterations are necessary to be made in the act, entitled "An act to establish the compensations of the officers employed in the collection of the duties on imports and tonnage, and for other purposes," passed the second of March, one thousand seven hundred and ninety-nine;" and also, in the act, entitled "An act relative to the compensation of certain officers of the customs, and to provide for appointing a surveyor in the district therein mentioned," passed the twenty-seventh of March, one thousand eight hundred and four; and that they have leave to report by bill, or otherwise.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act for the appointment of an additional Judge, and extending the right of suffrage to the citizens of Madison county, in the Mississippi Territory," with amendments. The Senate have also passed a bill, entitled an act to extend certain privileges therein mentioned to Joseph Joshua Dyster;" to which they desire the concurrence of this House.

COMMERCIAL INTERCOURSE.

The House resumed the consideration of the amendments of the Senate to the bill concerning commercial intercourse with Great Britain and France and their dependencies, and for other purposes.

Mr. **MUMFORD** expressed a hope that the House would not concur in the amendments of the Senate; for they had struck out all that part of the bill which was good for anything. Government, he said, was instituted for the protection of life, liberty, and property. If the House adopted the bill as amended, they abandoned the protection of property—and if they refused to protect commerce, the liberty of the citizen would also be unprotected, as it had been violated for seven years past. He said he himself had been a witness of the laceration of one of our citizens in such an inhuman manner that he had expired under the last castigation inflicted on him. This was in punishment for an attempt to regain his liberty. Property afloat on the ocean could be defended by insurance; but the liberty of the citizen could not be insured. Mr. M. called upon gentlemen, in the name of the seamen who looked to the Government for protection, to adopt some measure for their security. His system, he said, was that of convoy. It was not a system of today; his opposition to the bill as it went from the House had not been an opposition for opposition's sake; on the one hand, he had opposed it, but he had offered a substitute on the other. The bill, as amended, Mr. M. said, was a tacit acknowledgment to the belligerents that we have been all in the wrong for seven years past, and that they have been wholly right; and in proportion as we receded, they would certainly advance. For

himself, he wanted nothing of the belligerents but common justice; but, if the nation would not assert its rights at this time, we should indeed become hewers of wood and drawers of water. He said he was in favor of the embargo originally—he believed it a wise measure, and had no doubt it had saved a hundred millions of dollars to the nation; and, if power had been put in the hands of the President to enforce it, there would have been none of the smuggling which was now complained of. The fault lay in trusting too much to the perfectibility of human nature. Laws never were made to restrain good men, but to bind rogues; and some power, therefore, was necessary to carry them into effect. Mr. M. quoted the Journals, to show that the bill to authorize the President to employ the naval force to enforce the embargo had been postponed indefinitely. He mentioned this, because the violation of the embargo system had been charged on their merchants generally, whose character he defended from a charge of being habitual violators of the laws. There might be bad men amongst them, as there was in every class of society, but that was no reason to impeach the integrity of the whole. He hoped, before the House should consent to the amendments to the bill, that they would fall upon some system to defend the liberty of the citizen. He said he could take care of his own property; but when he returned home, he could not bear to be called on by the fathers, mothers, and relatives of these impressed citizens, to know what had been done for their relief, and not have it in his power to answer them satisfactorily.

Mr. LOVE declared his belief that, since the formation of the Constitution, the American Congress had never been called upon to deliberate on so vitally important a question as that now proposed to them, which in fact involved a dereliction of the principles of the Declaration of Independence. He said he had not been a warm advocate for the bill as it went from this House; he had thought it a recession from the high ground heretofore taken; but, as returned, it appeared to him to be bottomed on the doctrine of non-resistance and absolute dependence. Mr. L. took a view of the various injurious measures and decrees of the belligerents, and of the measures adopted by the United States in consequence. Had the state of things altered since these measures were adopted? Had there been the least relaxation? He quoted the proceedings of the Senate and House of Representatives twelve months ago, when, by a majority of one hundred and twenty-one to two, this House had resolved "that the United States cannot, without a sacrifice of their rights, honor, and independence, submit to the late edicts of Great Britain and France." And now it was proposed to submit to those very edicts—yes, to go beyond that submission—for, since that time, the nation had received additional insults. Mr. L. said he wished, however, more particularly to call the attention of the House to the substantial question of a dereliction of the spirit of our essential rights of property and liberty.

The bill as sent from the Senate, now merely contained that resistance which the Legislature thought proper to oppose to the aggressions of British fleets or cruisers entering our harbors, and committing premeditated or wanton assaults and violations of our jurisdiction; but contained no other resistance. If the House were to acquiesce in the amendments of the Senate, the bill would be such a recognition of the assumed rights of the belligerents as, by the law of nations, could never hereafter be controverted. He said it was a principle that a weak nation, when an irresistible force was employed to aid the views of a greater, could submit without disgrace. But was that the situation of the United States? Should it be left to posterity to say that the present generation were unable to support their rights, when they had a million of men into whose hands muskets and bayonets could be put, and a solid capital, which would produce five hundred millions of dollars? Posterity might blush for the degradation of the present generation if the bill passed, but could not urge in their excuse the plea of weakness. The principles of the bill, as it went to the Senate, were the last stage on this side submission. If resistance had never been attempted, the omission would not have displayed so much weakness as it would now to withdraw it. What would be the consequence of now receding from resistance? According to their former declarations, Mr. LOVE said, by such conduct the House would acknowledge their submission. There were numerous instances recorded in history, which tested the position that non-resistance sanctioned usurpation. What was the fact in relation to the rule of '56? It was then for the first time that Great Britain had advanced the principle known by that name—and what, said Mr. L., do the writers of the present day, what does the author of *War in Disguise*, tell you? Why, that neutral Powers had assented to the principle by submitting to its application. And, if we now adopt the amendments of the Senate, posterity will be told that we recognised and sanctioned the principle, because we submitted to it in practice.

Mr. L. next spoke of the prices of produce, of which so much was said, and of the improbability of their being better until tranquility should be in some measure restored in the European world. Could the United States remove all restrictions on lands, could they restore peace in Europe, then, and not till then, might our citizens enjoy the benefit of a free commerce. If the news this day received were correct, Great Britain must follow the example of France in rescinding her decrees, or must abide the consequences of war with us. If she does not want war with us, he said she would promptly recede, and then something like a fair price for produce might be expected. But it was useless to expect a fair price while England was the only nation with whom we could trade, and we were excluded from intercourse with almost all the Continent.

Before he was called upon to repeal the non-

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intercourse, Mr. L. said he wished to see some measure proposed as a substitute which should sustain the honor of the nation. If any gentleman would bring forward a proposition which should include that principle of resistance to the decrees of the belligerents, which duty to God and their country enjoined on them, he would vote for it. Let us not, said he, be deluded by the idea, that after we pass this bill, and thus prostrate the honor of the nation, we may be permitted in another way to express our opposition to the injurious decrees. No, sir, let this bill once be riveted on us—we may waste our strength in midnight sessions, but you never would again be able to place the country in the honorable attitude in which it now stands. I feel an abhorrence for the measure in the point of view in which it strikes my mind. If I knew that this amendment had been advised by a member of the Administration, I would not hesitate to give my vote for his immediate impeachment, and I would charge him with treason against the liberties and independence of his country; but the motives which produced it must be honorable. Others may have despaired of successful resistance. But, sir, let us follow the example of the Father of his Country. When surrounded by the battalions of the enemy, and watched by the Tories, did he despair of success? He did not. Let us then also advance, and not retrograde, as proposed by the bill.

Mr. BIBB remarked that the gentleman from New York, (Mr. MUMFORD,) who, now the embargo was gone, was singing hosannas to its praise, was the first in the House who suggested the total or partial repeal of that measure. The object of Mr. BIBB's rising at this time was to declare that he should vote against the amendments of the Senate, contrary to an intimation before given to the House, because he understood that the construction given to the remaining sections was, that they repealed all penalties incurred under the embargo laws.

Mr. GARDENIER declared himself much pleased with the amendments of the Senate, and hoped they would be concurred in. He ridiculed the idea of their involving submission; for, he said, that the bill was the beginning of a manly resistance. Hitherto, the United States had done those things which the belligerents had ordered them to do, and left undone those things which they had ordered them not to do. He wished to see the system changed. There could be no rational objection to the amendments. Gentlemen might have a question of consistency to settle with themselves, if they voted for them; but he begged of them not to surrender the vital interests of the country to the preservation of their reputation for consistency; consistency in evil could produce no benefit. Nothing but folly and obstinacy, he said, could urge to a perseverance. Gentlemen must know the system could produce no good. Let them then do a noble act, and recede at once; it will be a sacrifice of their own consistency to the safety of the country. It was acknowledged on all hands that the non-intercourse ought to be repealed. Mr. G. then suggested the pro-

priety of passing the bill as amended, and reserving the part stricken out for a separate bill. Vessels were waiting at a great expense, for the passage of the bill, to go to sea, yet doubtful of the course which would be pursued. Injury must result from this uncertain, wavering policy. The citizens of this country, Mr. G. said, had more reason to be afraid of the restrictions of their own Government than of the acts of the belligerents. He wished an assurance to be given, by putting an end to these restrictions, that commerce should no longer suffer interruption.

Mr. ROSS was opposed to the bill as it went from this House, for he thought he saw in it not only passive but active submission. He thought he had seen in it an agreement on the part of the United States that the Orders in Council should be adopted as part of the laws regulating the commerce of the United States. Much as he wished the non-intercourse repealed, he said he had rather it should expire by its own limitation at the end of the session than have it coupled with any injurious restrictions. He therefore moved to postpone the further consideration of the amendments to the bill indefinitely.

The motion was negatived—yeas 39, nays 81, as follows:

YEAS—Willis Alston, jun., Ezekiel Bacon, David Bard, John Brown, Joseph Calloun, Epaphroditus Champion, Matthew Clay, John Clopton, William Crawford, Joseph Desha, John W. Eppes, William Findley, Jonathan Fisk, Barzillai Gannett, Gideon Gardner, Thomas Gholson, jr., James Holland, Benjamin Howard, Jacob Hufty, Richard M. Johnson, John Love, Matthew Lyon, Gurdon S. Mumford, Thomas Newbold, John Nicholson, John Porter, Peter B. Porter, John Rhea of Tennessee, Matthias Richards, Erasmus Root, John Ross, Thomas Sammons, Adam Seybert, Samuel Shaw, John Smith, Richard Stanford, John Thompson, Charles Turner, junior, and Robert Weakley.

NAYS—Lemuel J. Alston, Burwell Bassett, Wm. W. Bibb, Daniel Blaisdell, Adam Boyd, Robert Brown, John C. Chamberlain, William Chamberlin, Howell Cobb, James Cochran, Orchard Cook, James Cox, Henry Crist, Richard Cutts, Samuel W. Dana, William Ely, Jas. Emott, Meshack Franklin, Barent Gardenier, David S. Garland, Peterson Goodwyn, Thos. R. Gold, Edwin Gray, William Hale, Nathaniel A. Haven, Daniel Heister, Jonathan H. Hubbard, Richard Jackson, junior, Robert Jenkins, Walter Jones, William Kennedy, Philip B. Key, Herman Knickerbacker, Jos. Lewis, jr., Edward St. Loe Livermore, Robert Le Roy Livingston, Aaron Lyle, Nathaniel Macon, Robert Marion, Vincent Matthews, Archibald McBryde, Samuel McKee, Alexander McKim, Pleasant M. Miller, Wm. Milnor, John Montgomery, Nicholas R. Moore, Thos. Moore, Jeremiah Morrow, Jonathan O. Moseley, Thomas Newton, Joseph Pearson, Benjamin Pickman, junior, Timothy Pitkin, junior, Elisha R. Potter, Josiah Quincy, John Rea of Pennsylvania, John Roane, Ebenezer Sago, Ebenezer Seaver, Dennis Smelt, John Smilie, George Smith, Samuel Smith, Henry Southard, John Stanley, James Stephenson, Lewis B. Sturges, Jacob Swoope, Samuel Taggart, John Taylor, Uri Tracy, George M. Troup, Nicholas Van Dyke, Archibald Van Horn, Killian K. Van Rensselaer, La-

ban Wheaton, Robert Whitehill, Ezekiel Whitman, James Wilson, and Robert Witherspoon.

Mr. BACON observed that there was some ambiguity in the bill as to the repeal of the penalties incurred, but not yet recovered, under the embargo laws. It could not be the intention of any one that a doubt should exist on the subject. It was sufficient to authorize an amendment, that professional men of respectable talents differed in the construction of the terms of the bill. He therefore moved to add a new section, as follows:

And be it further enacted, That all the penalties and forfeitures which may have been incurred on account of any infraction of the act laying an embargo on all ships and vessels in the ports and harbors of the United States, or any of the acts supplementary thereto, or of the act to enforce and make more effectual an act, entitled "An act laying an embargo on all ships and vessels in the ports and harbors of the United States, shall and may be recovered and distributed in like manner as if the said acts had continued in full force and virtue.

MESSRS. DANA, LIVERMORE, QUINCY, KEY, and GOLD, opposed the amendment, all appearing to differ from Mr. BACON as to the construction of the law.

The amendment was, however, agreed to.

Mr. EPPES said it would be recollected that on a former occasion he had expressed a willingness to abandon the restrictive system for the purpose of protecting our property by an efficient force. Notwithstanding all that has been said about restrictive measures, said Mr. E., it is a fact that they have considerable effect; that they ameliorated the situation of the United States, and that we stand on a higher, a far more exalted ground than we should have done, had they never been adopted. What was the situation in which the United States were placed at the time the embargo was laid? At that time, by the decrees of the belligerents, our whole commerce was prostrated; by a single blow our exports had been reduced from one hundred and eight millions to seven millions annually. But not that alone. American produce was subjected in the first place to go to Great Britain, and in the next place to pay a very heavy transit duty. And, sir, although gentlemen have said that the restrictive system produced no effect, what was the fact? In the year in which trade with England was wholly interdicted, Great Britain lost in her exports fourteen million pounds sterling. And it is believed to be a fact that even at the present moment, notwithstanding the unprincipled conduct of that nation, three-fourths of her foreign trade is still carried on by American vessels—and this may be a reason why the American merchants have affected to view with indifference what a few years ago would have been the greatest boon they would ask. What did the bill passed by this House propose? To give to our merchants the exclusive carrying of all the trade of the country. And why do they reject it? Because they are more interested in carrying British goods than in carrying the produce of their own country. They had rather carry these fourteen millions sterling,

to add to the strength of Great Britain, than be employed in the carrying of our own produce.

The decrees of Great Britain have been varied since the embargo was laid, and their pressure much lessened; but what is the actual and practical operation of them as they now stand? The decrees of France I consider as equally iniquitous, but totally ineffectual as to us, as they are as to Great Britain—and therefore I do not take them into account. I speak of that system which Great Britain can and does enforce, and which goes to the destruction of my interest as an agricultural man. The principle of the November order is as completely abandoned as if it had never been issued. What was its principle? To force all our commerce into her ports, and make it pay tribute. What is its principle now? That of blockade, which gentlemen on the other side of the House themselves opposed in 1793, which in the Administration of WASHINGTON was considered a daring and base attack on the rights of the country. Of the tobacco which is made in the Southern country, fourteen thousand hogsheads are consumed in England, the remainder in Holland, Germany, France, &c. That part suitable for the English market must be of a peculiar quality. All the second quality of tobacco, which is called light and dry, finds a market only on the Continent. What is the effect of this circumstance on the planter? Why, at the present moment, the tobacco to suit the British market has sold at nine and a half dollars per hundred weight, whilst that of secondary quality is worth nothing. The Maryland tobacco brings only four or five dollars, owing to the blockading system of Great Britain, which keeps from market forty-six thousand hogsheads of tobacco annually, and compels it to take an unnatural course through Great Britain or through the northern ports. Cotton and flour, Mr. E. said, were in nearly a similar situation. He said he saw in a submission to this principle the ruin of the agricultural interest of the United States—nay, more; he saw the ruin of the mercantile interest also, and wondered that the merchants themselves did not see it. What have we heard of the hostility of Southern men to commerce? asked Mr. E. Great Britain has only to except from the operation of her blockading system cotton, tobacco, and hemp—the interest of the merchant might, but that of the planter would not, be affected by submitting to it. But I never acted on that principle. I have always been taught that Government was intended for the joint benefit of the community; so far as in my power, I would extend protection to all.

What is now proposed to be done, sir? While the decrees and orders remain in full force, whilst I as a planter am cut off from a market for my produce—and, although the merchant under a British license may sail where he pleases, the expense of that license comes out of my pocket—an amendment comes from the Senate going to the surrender of everything for which the United States have contended for the last five years. If it had come from a quarter where motives could be suspected, I would not hesitate to say, it was

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a traitorous abandonment of the rights of the country. I believe that body, however, to be pure as ourselves, and can only regret that on this occasion their views appear to differ so widely from mine. Whilst the British decrees against our commerce were in force, in 1793, they were remonstrated against in language as strong as possible by a man who has been represented as hostile to commerce and to commercial rights, and under the inspection of WASHINGTON, at a time when he possessed not only the confidence of gentlemen on the other side of the House, but the undivided confidence of the American people. Mr. E. quoted a letter from Mr. Jefferson, then Secretary of State, to Mr. Hammond, remonstrating against the invasion of neutral rights. Here, then, said Mr. E., is the principle contested, which has been a scourge to our commerce for the last five years. Whether the course hitherto pursued by the United States, has been the course best to be adopted, I am not prepared to say. It was a period in which the ablest and best men might and did differ as to the course proper to be pursued. It seems at present to be conceded that the non-intercourse, after we have been swindled out of all the provisions calculated to enforce it (for I must continue to call the disavowal of the arrangement of April a swindling transaction) is of little use. I ask gentlemen, Will they abandon my rights? Will they not afford me a road to market? Will they shrink from me, and leave me to force my way as I can? For what purpose was this Government established? Why did these seventeen distinct confederacies unite under one head? To the State Governments belongs all that affects life or property—and the General Government was designed to oppose to the encroachments of foreign Governments the united arm of the seventeen States. Are we then to fold our arms, to be driven from the ocean without a struggle—to strike our flag and surrender those rights the people have intrusted to our protection? This, I trust in God, is not the spirit of Congress. If it be, it is not the spirit of the people. If the present majority are incapable of protecting the rights of the nation, let them declare they feel incompetent to their duty, and let their places be supplied by successors of more firmness. Mr. E. said he for one was not disposed to abandon the ocean altogether; he believed that the nation had rights which it was essential to defend; that the people were disposed to defend those rights; and that if there was a want of energy anywhere, it was in their Government. Influenced by these considerations, he had risen to offer the following amendment. He said he had drawn a separate section as to each Power, that the people might see who were disposed to defend the rights of the nation against either France or Great Britain, and who against both. He was himself of the latter description; and although he did not feel the pressure of the French decrees, he considered them equally odious in principle, and tending to destroy those rights for which he ever should contend.

Mr. E. then offered an amendment providing

for conveying trade and arming merchant vessels bound to the ports of belligerents, &c., which was afterwards withdrawn and the following substituted:

And be it further enacted, That the owner of any merchant vessel bound to any port or place not actually invested, with which intercourse shall be prohibited by the decrees or orders of the British Government, shall be allowed to arm and oppose, by force, every attempt to restrain or divert from its destination any vessel wholly owned by American citizens, and not carrying contraband of war; and every merchant or other person, so wishing to arm for the defence of his property, shall be furnished with a certificate from the collector of the port from which he sails, that he has no articles of contraband of war on board, and shall enter into bond with the said collector in a penalty of — dollars, with condition that his arms shall be employed solely for the purpose of defending his property against capture or detention under the decrees or orders of the British Government.

And be it further enacted, That the owner of any merchant vessel bound to any port or place not actually invested, with which intercourse shall be prohibited by the decrees or orders of the French Government, shall be allowed to arm and oppose, by force, every attempt to restrain or divert from its destination any vessel owned wholly by American citizens, and not carrying contraband of war; and every merchant or other person so wishing to arm for the defence of his property, shall be furnished with a certificate from the collector of the port from which he sails, that he has no articles of contraband on board, and shall enter into bond with the collector in a penalty of — dollars, with condition that his arms shall be employed solely for the purpose of defending his property against capture or detention under the decrees or orders of the French Government.

And be it further enacted, That the President of the United States is hereby authorized to employ the public armed vessels of the United States in protecting from capture, under the decrees and orders of Great Britain or France, the merchant vessels of the United States.

Mr. MUMFORD rejoiced at the proposition of the amendment, though he did not entirely agree in the views of the gentleman as to permitting merchant vessels to arm. He had no objection to the convoy system; we had had the best of the argument long enough, and he wanted something stronger. He could not however consent that merchant vessels should carry a single gun, because it would put the peace of the country in their power, and there were many naturalized merchants who might not be extremely scrupulous as to their conduct in that respect. Mr. M. explained his ideas as to the convoy system. If resistance to the interruptions of a lawful trade brought on a war, what would be the consequence? Would not the nation support Congress in it? No doubt of it; for if they would not defend the trade in the produce of the land, the agriculturist might as well stop his plough and shut up his barn.

Mr. DANA was also very glad that the gentleman from Virginia had brought forward this proposition. He admitted that it was one object of the establishment of the General Government to protect trade; and that if it failed in this duty,

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it failed in the principal object of its institution. He agreed also that if the directors of the public affairs would not attend to the business of the national protection, it was proper for them to acknowledge that they were unable to guide the reins of the empire, and that they ought to surrender them as placed in hands too feeble to hold them. He was glad the proposition had been brought forward; for, notwithstanding all that had been said in or out of the House, of the idleness of all attempts to defend our maritime rights, he did not subscribe to the doctrine, nor to the opinion that we should now pursue the course which had been adopted prior to the Declaration of Independence—and he had therefore been opposed to the whole system of commercial restriction. It was a feeble colonial system. He differed from Mr. MUMFORD as to the propriety of permitting merchants to arm. If it was unfortunately the case that many aliens had been admitted to the rights and privileges of citizens, he said he should really hope that they were not men who could not be trusted as tied to the country by the privilege of citizenship. He could not admit such was the case, especially as there were some members of this House perhaps of that description. Mr. D. admitted that the details of a system of arming might involve difficulty; but he deemed it his duty to treat any proposition going to that object with a respectful attention; and was therefore pleased at the introduction of this motion.

A motion was made to adjourn, and carried, 65 to 45.

TUESDAY, February 27.

Mr. SEYBERT presented a petition of sundry merchants of the city of Philadelphia, praying that certain formalities in the laws relating to bonds for debentures, may be dispensed with, and that the Collector of the port of Philadelphia may be directed to cancel bonds given by the petitioners for the exportation of certain goods, wares, and merchandise, entitled to drawback.—Referred to the Committee of Commerce and Manufactures.

On motion of Mr. STANFORD,

Resolved, That the Committee of Ways and Means be instructed to prepare and report a bill to this House, fixing and allowing adequate and suitable salaries to the clerks in the different offices of the Government.

The House proceeded to consider the amendments of the Senate to the bill, entitled "An act for the appointment of an additional Judge, and extending the right of suffrage to the citizens of Madison county, in the Mississippi Territory;" and the same being read, were concurred in by the House.

The bill sent from the Senate to extend certain privileges therein mentioned to Joseph Joshua Dyster, was read twice, and committed to a Committee of the Whole on Friday next.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act making appropriations for the support of the

Navy of the United States, for the year one thousand eight hundred and ten," with amendments; to which they desire the concurrence of this House.

Mr. GARDENIER offered the following resolution, observing that he had understood that the report of the Attorney General on the subject of the *batture*, which was supposed to have been mislaid, was now actually in the possession of the Secretary of State:

Resolved, That the Secretary of State be directed to lay before this House a copy of the opinion of the Attorney General on the right of the United States to the *batture* of New Orleans, claimed by Edward Livingston.

The motion was agreed to without a division.

COMMERCIAL INTERCOURSE.

The House having resumed the consideration of the amendments of the Senate to the bill concerning commercial intercourse, &c.

Mr. ERRES withdrew the amendments he had yesterday offered, with a view to substitute another in its place. His idea was, that Great Britain and France, having violated the principles of the law of nations, it was necessary for the United States, so far as respects those particular ports blockaded in violation of the law of nations, to deny to both of those nations the right of searching our vessels going to these ports. It was strictly a defensive system; it was not taking a hostile attitude, but merely asserting a right which we derive from God and Nature, and declaring that, if opposed in the exercise of that right, we will defend our property against piracy, for the execution of those decrees was a continued act of piracy, which it became a duty to resist. They subjected neutral property to capture, under principles unknown to the civilized world—and the system which he had in view appeared to him to be the only practical system of resistance which could now be adopted.

Mr. ERRES then offered the following sections as an amendment to the bill:

SEC. 1. *And be it further enacted*, That the commander and crew of any merchant vessel of the United States, owned wholly by a citizen or citizens thereof, and not carrying contraband of war, bound to any port or place not actually invested, with which intercourse shall be prohibited by the decrees or orders of the British Government, may oppose and defend against any search, restraint, or seizure, which shall be attempted upon such vessels, or upon any other vessel owned as aforesaid, by the commander or crew of any armed vessel sailing under the British colors, and may repel by force any assault or hostility which may be committed on the part of such British vessels pursuing such attempt, and subdue and capture the same.

SEC. 2d repeats the same provisions for authorizing resistance against the decrees of the French Government.

SEC. 3d. *And be it further enacted*, That whenever the commander and crew of any merchant vessel shall capture and subdue any British or French armed vessel, from which an assault or other hostility shall be first made as aforesaid, such armed vessel, with her tackle, appurtenances, ammunition, and lading, shall

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accrue the one-half to the owner or owners of such merchant vessels of the United States, and the other half to the captors; and being brought into any port of the United States, shall and may be adjudged and condemned to their use, after due process and trial in any court of the United States, having Admiralty jurisdiction, and which shall be holden for the district into which such captured vessel shall be brought; and the same court shall thereupon order a sale and distribution thereof accordingly, and at their discretion, saving any agreement which shall be between the owner or owners, and the commander and crew of such merchant vessel.

Sec. 4. *And be it further enacted*, That, after notice of this act at the several custom-houses, no merchant armed vessel bound as aforesaid, to places not actually invested, with which intercourse shall be interdicted by the decrees or orders of Government of Great Britain or France, shall receive a clearance, unless the owner or owners, and the masters and commanders, of such vessels, for the intended voyage shall give bond to the United States, in a sum equal to the value of such vessel and cargo, with condition that such vessel shall not make or commit depredation, outrage, unlawful assault, or unprovoked violence, on the high seas, and that the guns, arms, and ammunition of such vessel shall be returned within the United States, or otherwise accounted for; and that such owner or owners, and the commander and crew, of such merchant vessel, will in all things conform to the provisions of this act, and to such instructions as the President of the United States, in pursuance thereof, shall from time to time establish; and it shall be the duty of the collectors to see that no armed vessels clearing out as aforesaid, shall have on board arms or other warlike stores, except such as may constitute a part of the equipment of the said vessel, and to attach a certificate to that effect to the clearance granted to such vessel.

Sec. 5. *And be it further enacted*, That the President of the United States shall be, and he hereby is, authorized to establish, in conformity with the provisions of this act, suitable instructions to and for the merchant vessels authorized to arm; for the better restraining the commanders and crews who shall be employed therein; for the preventing any outrage or injury which they may be disposed to commit, or the taking on board articles contraband of war; a copy of which instructions shall be delivered to the commander of such vessel when he shall give bond as aforesaid.

Sec. 6. *And be it further enacted*, That the President of the United States shall be, and he is hereby, authorized to employ the public armed vessels of the United States in convoying and protecting merchant vessels of the United States, owned wholly by a citizen or citizens thereof, not carrying contraband of war, and bound to any port or place not actually invested, with which intercourse shall be prohibited by the decrees or orders of the Governments of Great Britain or France, and to instruct the commanders of the armed vessels of the United States to oppose and defend against search, restraint, or seizure, which shall be attempted upon vessels under convoy, by the commander or crew of any armed vessel sailing under British or French colors, and to repel by force any assault or hostility which may be committed on the part of such British or French vessel pursuing such attempt, and to subdue and capture the same.

Sec. 7. *And be it further enacted*, That any British or French vessel so captured, shall be considered

lawful prize, and may be condemned in any court of the United States having competent jurisdiction, and the proceeds of such prize shall be distributed in conformity to the provisions of the act "for the better government of the Navy of the United States."

Mr. LIVERMORE observed that this day completed the third month of the session, which had been so far exhausted in doing nearly nothing; and when there was a possibility of coming, to some conclusion on this bill, attempts were made to defeat the passage of it. Mr. L. took a review of the proceedings of the Government from the non-importation act to the present time, and particularly censured the rejection of Mr. Monroe's treaty. He was wholly opposed to the amendments now moved. It could not be in the contemplation of any gentleman to get such an amendment through the House. It was nothing short of a declaration of war against Great Britain and France. Our merchant vessels were to be sent out armed cap-a-pie, like Quixotte on his wind-mill expedition, to fight the belligerents. If it were possible for Congress to do such an act, their constituents would provide strait waistcoats for them. If gentlemen had anything serious in view, he called upon them to bring it forward and make it the subject of a separate bill. It had been repeatedly acknowledged on all sides of the House, that the non-intercourse was ineffectual, or operated wholly upon ourselves. And Mr. L. said, it was not in force as to Great Britain. This he knew to be the true construction of the law, although, by instructions from the Treasury Department, clearances were refused to British ports. But, although vessels were refused clearance to these ports, there never had been a single seizure of goods imported from that country, that he could learn, and this was a wise course of conduct, because the Government must know that the law was not in force, and therefore avoided the expense and inconvenience which must result from erroneous seizures.

Mr. L. made a number of remarks, going to show that the sections struck out by the Senate could have no effect. The exclusion of eight thousand tons of British shipping annually from our ports could have no effect as a coercive measure. It was the most trifling thing that could be devised to operate on the minds of the British Ministry to induce them to propitiate us; and was equally weak as a measure to benefit the commerce of the United States.

The real question involved in the amendment now proposed, Mr. L. said, was this: Are the United States prepared to go to war? What has been done during the whole of the present session towards a preparation for war? Where is the bill for the fitting out and increasing the Navy? Where is the Army? How are we going to war, and what will be its object? Was it, he asked, to take Canada? He had heard of a proposition of the militia of one State to take Canada; but he rather doubted whether it would be practicable to carry such a scheme into effect. It would be something like the plan of fitting out our merchant vessels to attack the British navy.

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If war was meant, he called upon gentlemen to bring forward a direct proposition going to that object, to let the people know what they were to expect.

Mr. L. said, that the members could not, consistently with their duty to their constituents, further procrastinate a decision of this question. It was their bounden duty immediately to act. If the subject was not now thoroughly understood, it never would be; and, as the House was certainly not prepared to go to war, he hoped the amendment would be negatived.

Mr. KEY made an objection to a part of the amendment as out of order, because a bill partially embracing the same principle, viz: the convoy bill reported by Mr. BURWELL, was already before another Committee of the Whole; and because a decision on a case precisely in point, had on a former occasion been made by the present Speaker, and confirmed by the House.

The SPEAKER decided that so much of the amendment as related to the convoy principle was not in order.

Mr. EPPES rose to withdraw that part of the amendment declared out of order. He said he was placed in a disagreeable situation, his propositions being met by questions of order, instead of being met in a manly and open manner. He believed the bill as amended by the Senate to be a base surrender of the rights of the country, and had therefore felt it his duty to do everything in his power to avert the disgrace which would result from agreement to it, and he wished a direct decision on his proposition. Mr. E. replied to various remarks of Mr. LIVERMORE. As to the time which had been spent in doing nothing, it was for those who had amused the House with long speeches from day to day to account for it. As to his amendment being open war, he said it was that species of war which a man would encounter if his house was invested by banditti and he was to buckle on his pistols and sword and sally forth to meet them. And was the nation so dastardly that in such a case they would deem resistance ridiculous and Quixotic. For his part, Mr. E. said, he was willing to bring into action the whole resources of the nation. He was willing that gentlemen might take all the canvasses of the Eastern country and make it into strait jackets for madmen; he would be as willing to take the tar and feathers of the Southern country and stick them on the back of the wretch who would meanly surrender the rights of his country. It was not the spirit of the American people to submit to insult and oppression, and they would not brook such conduct in their Representatives. Mr. E. said, he had no disposition to delay the proceedings of the House, as alleged. He declined the discussion of the non-importation, embargo and non-intercourse laws, at this time. He had expressed his opinions on them at the time they passed. He had neither made speeches to the people in his district respecting them, or loaded the press with speeches which he was said to have made. Such as his sentiments were, he had delivered them here, the only

place where he was in the habit of delivering them. He would not examine the old rule of '56; it had no relation to the question before the House. Neither would he examine the rejected treaty. If any man could bear the weight of that treaty, it was the man who made it. He had borne it; but when he attempted to convince the people of its propriety, when he wrote a book in its favor, he sunk under its pressure. A cry of war was made against the proposition, and that had been the cry against every measure for two years back. This was the only mode left to defend the nation's rights. Was it to be believed that they who had talked so much about energy, about calling out the physical force of the country, would skulk from the only present possible mode of resistance, viz: putting guns on board our vessels? Were they aware of the attitude in which they would be placed before the country if, after all their professions, they should take this course? They would be like the gambler who, after losing his hat and coat, is turned naked into the street. He hoped that his proposition would not be smothered, but that all men, of whatsoever party, would protest against driving the nation into a surrender of its rights. Mr. E. concluded his remarks by moving to refer his amendment, together with the amendments of the Senate, to a select committee, with a view to incorporate his propositions with the Senate's amendment.

Mr. LIVERMORE hoped this question was not to be tried by the use of products of the South, tar and feathers. He wished to have no concern with them. It was reason and argument which were to guide the decisions of the House. Warmth and declamation could have no further effect than to divert the mind for a moment. It might mislead the unguarded, but could never convince men of understanding. The same might be said of similes; though no person could understand the allusions, they might divert, but not influence the intelligent. Arguments alone ought to be attended to. As to long speeches, he rather supposed the gentleman had had his proportion. Mr. L. was wholly opposed to the reference to a select committee. Not a single argument could be urged in favor of it, or to delay the passage of the bill, which had not been urged for years past. The real question on the amendment, viz: would they authorize merchant vessels to commit the peace of the country, could be as well decided now as after a report of a committee on it.

Mr. ROSS observed that the cry of war had been repeated so often against every measure proposed by the majority, that it made no more impression on the mind than the boy's cry of the wolf upon those who had been so often alarmed unnecessarily. The country was calling aloud for a speedy decision by the House, and it seemed to be expected that that decision would be in favor of a total repeal of the non-intercourse. He did not conceive that this course would be justified without the adoption of some measure to repel the aggressions and insults heaped upon the nation.

Much as the non-intercourse was now derided,

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Mr. R. said that the gentlemen in opposition had one and all last Summer voted for its continuance as to France. He would make no deduction from this circumstance, but leave it to the House to draw their own conclusions. He was pleased at the introduction of the amendment of the gentleman from Virginia, and conceived that the adoption of it would tend to support the Democratic party. Why were gentlemen afraid of war? He was not for Quixotically going to war with both belligerents, but was for selecting his man, singling out the nation which had done us most injury. He was in favor of the commitment of the amendment, in order to mature it, and report it in some more practicable form.

Mr. GARDENIER was against commitment. As to the opposition said to be made to propositions made by the majority—did the gentleman from Pennsylvania mean to say that the gentleman from Virginia, (Mr. EPPES) was the majority? He protested against the gentleman's being considered a majority, even when aided by the intelligence and discernment of the gentleman from Pennsylvania. Mr. G said, he recollected that not long ago the majority, commonly so called, would have nothing to do with propositions something similar to that now moved, and it therefore appeared to him that it must be a minority who were supporting the present amendment.

Mr. G. observed that propositions of the most contradictory nature were all pressed with equal zeal into this bill. He did not mean to say this was done with any improper object; but the effect would certainly be to delay the bill. He protested against this delay and these various propositions. It reminded him of a story, which he would repeat, though it might not be deemed strictly classical by some gentlemen, as it was neither from *Æsop* or *Dilworth*. A physician administering dose after dose to a sick man, was reproached for it by the patient, who thought it was time to stop. "No," said the doctor; "we shoot into the disease, and though we miss it often, we shall hit it at last." "Yes," replied the patient, rather shrewdly, "but all this time you hit me without touching the disease." Mr. G. said he was willing to take the bill as it came from the Senate, without adding any other restriction by way of experiment. That bill left our vessels at liberty to proceed where they pleased. Now the gentleman from Virginia (Mr. EPPES) had moved an amendment to protect them in their trade to certain ports, and declared that those who refused to do so, were willing to abandon the rights of the country. If that were correct, it followed conclusively that for three years past the rights of the nation had been abandoned. All appeared willing now to get rid of the non-intercourse; and it seemed very proper that the House should decide that they would have commerce before they determined to protect it—for they could not protect before they had it. The proposition now made, appeared to him something like putting the cart before the horse. Mr. G. alluded to the modification which the Orders in Council had undergone, and ob-

served that they ought to be accurately examined before the House decided on any such proposition.

Mr. G. was called to order before he concluded his remarks, for wandering from the question before the House, viz: the motion for reference to a select committee. Mr. Ross had been called to order by Mr. G. for the same deviation, and Mr. G. was reminded by the Speaker more than once to adhere to the question before the House. When called to order the last time, Mr. G. took his seat, as directed by the rules of the House. The SPEAKER declared his observations to be irrelevant to the question before the House. Mr. LYON obtained the floor to speak; but Mr. G. claimed a right to pursue his observations. The SPEAKER decided that he had not a prior right to the floor. From this decision Mr. DANA appealed. The decision was confirmed by the House—yeas 77, nays 43, as follows:

YEAS—Lemuel J. Alston, Willis Alston, jr., William Anderson, Ezekiel Bacon, David Bard, Burwell Bassett, William W. Bibb, Adam Boyd, John Brown, Robert Brown, William Butler, Joseph Calhoun, Matthew Clay, John Clopton, Howell Cobb, James Cochran, James Cox, William Crawford, Henry Crist, Richard Cutts, John Dawson, Joseph Desha, John W. Eppes, William Findley, Jonathan Fisk, Meshack Franklin, Barzillai Gannett, Gideon Gardner, David S. Garland, Thomas Gholson, jr., Peterson Goodwyn, Edwin Gray, Daniel Heister, William Helms, James Holland, Benjamin Howard, Jacob Hufty, Richard M. Johnson, Walter Jones, William Kennedy, John Love, Aaron Lyle, Samuel McKee, Alexander McKim, John Montgomery, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, Gurdon S. Mumford, Roger Nelson, Thomas Newbold, Thomas Newton, John Nicholson, John Porter, Peter B. Porter, John Rea of Pennsylvania, John Rhea of Tennessee, Matthias Richards, John Roane, Erastus Root, Ebenezer Sage, Thomas Sammons, Ebenezer Seaver, Adam Seybert, Samuel Shaw, Dennis Smelt, John Smilie, George Smith, John Smith, Henry Southard, Richard Stanford, John Thompson, Uri Tracy, Charles Turner, jr., Robert Weakley, Robert Whitehill, and Richard Winn.

NAYS—Daniel Blaisdell, James Breckenridge, Epaphroditus Champion, Martin Chittenden, Samuel W. Dana, William Ely, James Emott, Barent Gardenier, Thomas R. Gold, William Hale, Nathaniel A. Haven, Jonathan H. Hubbard, Richard Jackson, jr., Robert Jenkins, Philip B. Key, Herman Knickerbacker, Joseph Lewis, jr., Edward St. Loë Livermore, Robert Le Roy Livingston, Matthew Lyon, Vincent Matthews, Pleasant M. Miller, Jonathan O. Moseley, Joseph Pearson, Benjamin Pickman, jr., Timothy Pitkin, jr., Eliza R. Potter, Josiah Quincy, Samuel Smith, John Stanley, William Stedman, James Stephenson, Lewis B. Sturges, Jacob Swoope, Samuel Taggart, John Taylor, Nicholas Van Dyke, Archibald Van Horn, Killian K. Van Rensselaer, Laban Wheaton, Ezekiel Whitman, James Wilson, and Robert Witherspoon.

The question again recurred on the question of reference to a select committee.

Mr. LYON began to make some remarks against the decision just made on the point of order.

He was called to order, because debating a question not before the House, and resumed his seat.

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Mr. GARDENIER then rose and made some further remarks against the reference of the amendments from the Senate, with those proposed by Mr. EPPES. It could produce no effect but delay, being a distinct question, which could better be discussed in connexion with the bill from the Senate.

The question was taken on the motion to refer the amendments of the Senate with Mr. EPPES's amendment thereto to a select committee, and carried—yeas 74, nays 49, as follows:

YEAS—Lemuel J. Alston, Willis Alston, jr., William Anderson, Ezekiel Bacon, David Bard, Burwell Bassett, Adam Boyd, John Brown, Robert Brown, William Butler, Joseph Calhoun, Matthew Clay, John Clopton, Howell Cobb, James Cox, William Crawford, Richard Cutts, John Dawson, Joseph Desha, John W. Eppes, William Findley, Jonathan Fisk, Meshack Franklin, Barzillai Gannett, Gideon Gardner, David S. Garland, Thomas Gholson, jr., Peterson Goodwyn, Daniel Heister, William Helms, James Holland, Benjamin Howard, Jacob Hufty, Richard M. Johnson, Walter Jones, John Love, Aaron Lyle, Samuel McKee, Alexander McKim, Pleasant M. Miller, John Montgomery, Nicholas R. Moore, Jeremiah Morrow, Gurdon S. Mumford, Roger Nelson, Thomas Newbold, Thomas Newton, John Nicholson, John Porter, Peter B. Porter, John Rea of Pennsylvania, John Rhea of Tennessee, Matthias Richards, John Roane, Erastus Root, John Ross, Ebenezer Sage, Thomas Sammons, Ebenezer Seaver, Adam Seybert, Samuel Shaw, John Smilie, George Smith, John Smith, Samuel Smith, Henry Southard, Richard Stanford, John Thompson, Uri Tracy, Charles Turner, jr., Robert Weakley, Robert Whitehill, Richard Winn, and Robert Witherpoon.

NAYS—William W. Bibb, Daniel Blaisdell, James Breckenridge, John C. Chamberlain, Epaphroditus Champion, Martin Chittenden, James Cochran, Samuel W. Dana, William Ely, James Emott, Barent Gardenier, Thomas R. Gold, William Hale, Nathaniel A. Haven, Jonathan H. Hubbard, Richard Jackson, jr., Robert Jenkins, William Kennedy, Philip B. Key, Herman Knickerbacker, Joseph Lewis, jr., Edward St. Loe Livermore, Robert Le Roy Livingston, Matthew Lyon, Nathaniel Macon, Robert Marion, Vincent Matthews, Archibald McBryde, William Milnor, Thomas Moore, Jonathan O. Moseley, Joseph Pearson, Benjamin Pickman, jun., Timothy Pitkin, jun., Elisha R. Potter, Josiah Quincy, Dennis Smelt, John Stanley, James Stephenson, Lewis B. Sturges, Jacob Swoope, Samuel Taggart, John Taylor, Nicholas Van Dyke, Archibald Van Horn, Killian K. Van Rensselaer, Laban Wheaton, Ezekiel Whitman, and James Wilson.

Ordered, That Messrs. EPPES, WHITEHILL, MONTGOMERY, MUMFORD, DANA, DESHA, CUTTS, WINN, and W. ALSTON, be appointed the said committee.

CONVOY PRINCIPLE.

A motion was made by Mr. EPPES, that the Committee of the whole House be discharged from the further consideration of the bill authorizing the President of the United States to employ the public armed vessels, and permitting merchant vessels to arm for the defence of American commerce: And the question being taken

thereon, it was resolved in the affirmative—yeas 77, nays 42, as follows:

YEAS—Lemuel J. Alston, Willis Alston, junior, William Anderson, Ezekiel Bacon, David Bard, Burwell Bassett, William W. Bibb, Adam Boyd, John Brown, William Butler, Joseph Calhoun, Matthew Clay, Howell Cobb, James Cochran, James Cox, William Crawford, Henry Crist, Richard Cutts, John Dawson, Joseph Desha, John W. Eppes, William Findley, Jonathan Fisk, Meshack Franklin, Barzillai Gannett, Gideon Gardner, David S. Garland, Thomas Gholson, junior, Peterson Goodwyn, Daniel Heister, William Helms, James Holland, Benjamin Howard, Jacob Hufty, Richard M. Johnson, Walter Jones, William Kennedy, John Love, Aaron Lyle, Robert Marion, Samuel McKee, Alexander McKim, Pleasant M. Miller, John Montgomery, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, Gurdon S. Mumford, Roger Nelson, Thomas Newbold, Thomas Newton, John Nicholson, John Porter, Peter B. Porter, John Rea of Pennsylvania, John Rhea of Tennessee, Matthias Richards, John Roane, Erastus Root, John Ross, Ebenezer Sage, Thomas Sammons, Ebenezer Seaver, Adam Seybert, Samuel Shaw, Dennis Smelt, John Smilie, George Smith, John Smith, Samuel Smith, Henry Southard, Uri Tracy, Charles Turner, junior, Robert Weakley, Robert Whitehill, Richard Winn, and Robert Witherpoon.

NAYS—Daniel Blaisdell, James Breckenridge, John C. Chamberlain, Epaphroditus Champion, Martin Chittenden, William Ely, James Emott, Barent Gardenier, Thomas R. Gold, William Hale, Nathaniel A. Haven, Jonathan H. Hubbard, Richard Jackson, junior, Robert Jenkins, Philip B. Key, Herman Knickerbacker, Joseph Lewis, junior, Edward St. Loe Livermore, Robert Le Roy Livingston, Nathaniel Macon, Vincent Matthews, Archibald McBryde, William Milnor, Jonathan O. Moseley, Joseph Pearson, Benjamin Pickman, jun., Timothy Pitkin, junior, Elisha R. Potter, Josiah Quincy, Richard Stanford, John Stanley, William Stedman, James Stephenson, Lewis B. Sturges, Jacob Swoope, John Taylor, Nicholas Van Dyke, Archibald Van Horn, Killian K. Van Rensselaer, Laban Wheaton, Ezekiel Whitman, and James Wilson.

WEDNESDAY, February 28.

Mr. RHEA, from the Committee on Post Offices and Post Roads, presented a bill regulating the Post Office Establishment; which was read twice, and committed to a Committee of the Whole on Monday next.

The SPEAKER laid before the House a letter and report from the Secretary of War, relative to the sufficiency and quality of the muskets manufactured at the public armory and arsenal at Springfield, in obedience to a resolution of the twenty-fifth ultimo; which was read, and ordered to lie on the table.

Mr. NEWTON, from the Committee of Commerce and Manufactures, presented a bill for the relief of the Collectors of Philadelphia and Norfolk; which was read twice, and committed to a Committee of the Whole on Friday next.

The House resumed the consideration of the amendment of the Senate to the bill, entitled "An act making appropriations for the Navy of the

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United States, for the year 1810;" and the same being read, were concurred in by the House.

AMEY DARDIN.

Mr. GHOLSON, from the committee appointed on the seventh of December last, on the petition of Amey Dardin, made a report thereon; which was read, and referred to a Committee of the whole House on Friday next.

The report is as follows:

That the petitioner claims compensation for a stud-horse, known by the name of Romulus, taken from her husband, David Dardin, in the year 1781, for the use of the army of the United States. It appears that the said horse was impressed from David Dardin for the public service by Lieutenant Rudder, a Continental officer, on the 26th of February, in the year aforesaid, and was then valued at the sum of £750 specie. The horse was taken to the army in North Carolina, then commanded by General Greene, who, upon hearing of the valuation, ordered the said horse to be valued again, which valuation was still higher than the first; whereupon General Greene ordered the horse to be returned to his former owner, who called upon three persons to ascertain the damages sustained by the use of his horse, and they estimated the damages at £100. The said Dardin then received the horse as his property, and continued to use him as such until the 18th July, 1781, when another Continental officer again took the horse and gave a receipt for him, wherein the sum of £750 is mentioned as having been before stated as the appraised value. This procedure attracted the attention of the Executive of Virginia, and in December, 1782, Benjamin Harrison, then Governor, made a representation to General Greene respecting this subject; but the horse being by this time in the State of Georgia, and applied to the public service, was continued therein, finally disposed of, and never thereafter returned to the said owner. It also appears that this claim of Dardin was referred to the Virginia Assembly in 1782 by the court of Mecklinburg county; and, in a former report it is stated, and believed to be true, that Dardin accordingly petitioned the Legislature of that State; but his claim being considered as coming more properly against the Union than against any particular State, he did not succeed. He, or the present petitioner, was then advised that redress might be obtained against the officers who took the horse, and a suit was instituted in the High Court of Chancery of Virginia for that purpose, which suit was depending therein until the month of June, 1793, when it appears to have been abandoned and was dismissed. With the exception of the fact which the committee have extracted from a former report in this case, that this claim was once presented to and rejected by the Virginia Legislature, (which is deemed a circumstance of no particular importance,) all the foregoing statement is supported by written documents, which appear to be genuine and authentic.

On the merits of this claim, your committee consider it almost superfluous to comment. The facts are conclusive in its favor, and no obstacle to its discharge can be conceived, except the lapse of time on this subject. The committee beg leave to state, that on the 23d July, 1787, Congress passed a resolution providing that all persons having unliquidated claims against the United States shall exhibit a particular abstract thereof to the Comptroller of the Treasury of the United States within one year. This was the first limita-

tion that was adopted in respect to any class of claims, except those for personal services, which had been barred by the resolution of 2d November, 1785. The committee are of opinion that this claim was not included in the resolution of 23d July, 1787, because that resolution mentions only unliquidated claims; and the present claim was always liquidated and certain. The certificate granted by the Continental officer states the appraisement of the horse, made pursuant to the usage of the army, at the specific sum of £750 specie.

The next limitation to claims against the United States, and which it is believed by the committee embraces the claim of the petitioner, is contained in the act of the 12th February, 1793, which took effect on the 1st of May, 1794. On the 28th of February, 1794, the petitioner, instead of presenting her claim to the Treasury, according to the requisition of the statute of the 12th of February, 1793, presented it to Congress, who took cognizance of it, and ordered it to lie on their table. Her petition, and the only documents on which she could have succeeded at the Treasury, were retained in the possession of the House of Representatives until, and for some time after, the statute of limitations began to operate. Your committee have no hesitation in hazarding the opinion that in a case like this, between A and B, before an intelligent and upright, and equitable judge, the claim would be most undoubtedly sanctioned, as not coming within the spirit, although it may fall within the strict letter of the act of limitation.

Placing, however, this question out of view, the committee are still of opinion that the claim of the petitioner ought to be allowed. They believe that when a claim, founded in a fair consideration, and supported by indisputable evidence, is presented for payment, a proper self-respect on the part of the Government, as well as justice to the claimant, requires its discharge. They therefore submit the following resolution:

Resolved, That the prayer of the petitioner ought to be granted.

RELATIONS WITH SPAIN.

Mr. LIVERMORE observed that he believed it would be acknowledged by every gentleman that it was an incumbent duty of the Representatives of the people to obtain, by all proper means, information of the state of public affairs, especially so far as relates to foreign nations. In the course of the present session, said he, we have heard a great deal about the two belligerents; they seem to have occupied almost the whole of our attention—we have heard nothing of any other nation. We have received from no quarter information relative to our relations with any nation other than the two great belligerents; but when we come to consider the case, it will be found that there is at least one other nation of great importance to the United States—I mean the Spanish nation; and it is to obtain some information relative to this country that I rise to offer a resolution.

If, sir, we consider the various lights in which this country presents itself with reference to the people of the United States, it will be found to be of the greatest importance that we should pay attention to it. In the first place, the territory occupied by that nation on this continent is of

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immense extent, inhabited by a very numerous people, possessing almost all climates, and producing perhaps the commodities of all. It abounds in the greatest wealth, has numerous ports and harbors, advantageously situated for commerce, and peculiarly presents itself to the United States as a country with which we carry on a very lucrative branch of commerce. We have had for several years various disputes with the Spanish Government. Under the Spanish Government, great depredations have been made on the commerce of the United States; spoiliations have been committed on our trade to a very large amount, for which the people of the United States have never been indemnified. There have also been disputes as to boundaries. The United States have at a very great expense purchased a very large territory that was the property of the people of Spain. We know not how far that nation acquiesced in the purchase. Many things have been said as to the improper manner in which the man, Government, or nation, who sold the territory to the United States became possessed of it. It has been said that he or they never acquired a just title to the territory; that it was simply placed in his or their possession for the purpose of guarantying to a branch of the Spanish family the Kingdom of Etruria—and we all well know what has become of that Kingdom. Whether the Spanish monarch recognised the right of France to transfer or not, is an important question. At any rate, the boundaries of the Spanish territories and of those of the United States are not settled. I believe it will be found of the greatest importance that there should be a settlement of this dispute. In consequence of a neglect to settle them at a proper opportunity, the country might be hereafter drained of its population by unprofitable wars. When, sir, we reflect on what has occurred in relation to the army under General Wilkinson at New Orleans, every one will recoil with horror at the idea of what might be the consequence of prosecuting a war in that quarter to maintain even our just rights.

The commerce of the United States with no nation on the Continent is more advantageous to us than with European Spain. We have been informed by the newspapers, the only source of information in this case, of various vicissitudes in the Government of Spain, of the abdication of Charles IV. in favor of his son Ferdinand, of the captivity of the latter, of a Junta assuming the Government in the name of Ferdinand VII. endeavoring to resist a foreign yoke, and that, as far they have been able, they have released our property carried in under decrees heretofore announced to us by the President of the United States as being consonant to the system of Bonaparte. We know also that a public functionary, under the name of *Chargé des Affaires* of the United States, still resides in Spain, and has been accredited by that Government. It is important to our citizens to know how far they may trade to Spain. It is important to secure the friendship of the Spanish population in

America, be the situation of affairs in Europe what it will. I consider it our bounden duty to endeavor to obtain information on this subject. I hope that no gentleman will think it derogatory to inquire into the state of our relations with that nation. As I conceive that very important information may be given by the Executive which does not require secrecy, and that we, as the Representatives of the people, ought to have that information, I have thought it my duty to offer the following resolution:

Resolved, That the President of the United States be requested to cause to be laid before this House such information as he can communicate, which does not require secrecy, of the appointment of an Ambassador or other Public Minister by the Government of Spain, or the Supreme Central Junta exercising the Government in behalf of the People of Spain, since the detention of their King in France, or of the application of any person to be received by the President and accredited as a Public Minister under such authority. And of any measures taken or proposed on the part of Spain, since the purchase of Louisiana by the United States, for the settlement of differences and making indemnification for claims against that Government for spoiliations committed on the high seas. And, also, for settling the boundaries between the Territories of the United States and the Spanish Territories. And any official information which may have been received from Charles the Fourth, King of Spain, of his having abdicated the Government in favor of Ferdinand the Seventh, and of his acceptance thereof. And, generally, such information as may enable Congress to form a correct idea of the relative situation of the People of the United States with the Spanish People and Government.

On the question, "Will the House now consider the resolution?" It was determined in the negative, 57 to 43.

BATTURE AT NEW ORLEANS.

The House resolved itself into a Committee of the Whole on the various resolutions on the subject of the batture.

Mr. GHOLSON, desirous to have some specific proposition propounded to the House for decision, moved that the Committee rise, with a view to refer the subject to a select committee.

This motion was opposed by Messrs. BACON, FISK, BOYD, POINDEXTER, GARDENIER, KING, POTTER, and ROSS, and supported by Messrs. GHOLSON, LOVE, and TROUP.

The motion was negatived, 66 to 30.

The first resolution, among the many referred to the committee, which came under consideration, is as follows:

"Resolved, That it is expedient to authorize the President of the United States, if he shall be of opinion that the United States have such a claim to the batture in front of the suburb of St. Mary, in the city of New Orleans, as will justify the expense of prosecuting the same, with the assent of the persons removed therefrom, on the 25th of January, 1808, to name three persons, who shall have full power to hear and finally determine all right, title, claim, and demand whatsoever, as well of the United States as of the persons so removed, both in law and equity, and their

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decision, or a majority of them, shall be binding as well on the United States as the said parties."

Messrs. ALSTON, TAYLOR, and TROUP, opposed the resolution, and Mr. EMOTT supported it.

A motion was made for the Committee to rise, and negatived, 58 to 48.

Mr. LOVE opposed the resolution and concluded, by a motion to rise.—Negatived.

Mr. TAYLOR opposed the resolution.

Mr. WINN moved to rise; negatived.

Mr. LOVE and Mr. GHOLSON opposed the resolution, and Mr. ROSS and Mr. KEY supported it.

A motion was then made by Mr. HELMS that the Committee rise, and carried, 53 to 51. And the House adjourned.

THURSDAY, March 1.

Mr. POYDRAS presented sundry resolutions of the Legislative Council and House of Representatives of the Territory of Orleans, in relation to the batture in front of the suburb St. Mary, in the city of New Orleans; which were read, and ordered to lie on the table.

The SPEAKER laid before the House a letter from the Secretary of State, transmitting a copy of the opinion of the Attorney General on the right of the United States to the batture in New Orleans, in obedience to a resolution of the 27th ult.; which were read, and ordered to lie on the table.

A Message was received from the President of the United States, transmitting copies of the treaties concluded with the Delaware, Pottawatamie, Miami, Eel River, and Wca tribes of Indians, for the extinguishment of their title to the lands therein described; and recommending to the consideration of Congress the making provision by law for carrying them into execution. The Message and treaties were read, and ordered to lie on the table.

BATTURE AT NEW ORLEANS.

The House resumed the consideration of the unfinished business of yesterday; and the question being taken, Shall the Committee of the Whole have leave to sit again on the resolutions proposed by Mr. SHEFFEY, on the 11th December last, relative to the batture in front of the suburb St. Mary, in New Orleans? it was determined in the negative.

A motion was made by Mr. POINDEXTER, that the House do come to the following resolution:

Resolved, That it is expedient to authorize the persons, or their legal representatives, who were removed from the batture in front of the suburb St. Mary, in the Territory of Orleans, by order of the President of the United States, on the 25th January, 1808, to institute an action of ejectment, or such other suit or action as may be necessary, in the district court of New Orleans, against the Mayor of the city of New Orleans, who shall be constituted a defendant in such action, for the express purpose of asserting and defending the right of the United States to said batture; and that the Judge of the said court, after the issue is joined between the parties, be authorized and required to order such action to be tried in such circuit court of the United States where, in his opinion, a fair and impartial trial can be

had; and the judgment of the court to which the same shall be removed for trial as aforesaid, may be re-examined and reversed or affirmed, in the same manner as other causes in such circuit court are; and the final judgment, sentence, or decree, in such action, shall be final and conclusive between the United States and all individual claimants as to the title of the said batture, and may be plead in bar to any subsequent suit or action for the recovery of the same, or any part thereof; and the record and proceedings in such action shall be returned and deposited among the judgments of the said district court of the Territory of Orleans.

The said resolution was read, and ordered to lie on the table.

ADDITIONAL DUTIES.

Mr. RHEA called for the consideration of the two resolutions submitted by him some time ago, directing the Committee of Ways and Means to inquire into the expediency of laying additional duties on all importations from Great Britain and France.

Mr. POTTER opposed their passage. He said the only effect of adopting the measure they contemplated would be to increase smuggling and to raise the prices of European goods already in the hands of our merchants.

Mr. W. ALSTON observed that the subject being already specially referred to the Committee of Ways and Means, there could be no necessity for passing these resolutions, unless gentlemen deemed the committee too slow, and wished to spur them up.

Mr. RHEA observed that if the doctrine of the gentleman from Rhode Island (Mr. POTTER) was correct, it would be a reason why no duties should ever have been laid. If former Legislatures had acted with such views, there never would have been any revenue raised. The gentlemen from the Eastern States ought to be the last to oppose such a measure; because, as they were engaged more in manufacturing than any other portion of the Union, every additional duty would operate to their advantage. The subject might be collaterally before the Committee of Ways and Means, but he wished particularly to point their attention to it.

Mr. McKIM observed that this appeared to him to be a time when the United States ought sedulously to cultivate their own resources. When our commerce was on all sides interrupted, he wished not to see our infant manufacturing establishments depressed by permitting foreign manufactures to compete with our own on advantageous terms; and, therefore, he hoped the resolutions would pass, and some such measure be adopted.

Mr. VAN HORN hoped the resolutions would not pass. It appeared to him that every measure coming before the House was calculated to depress the price of the produce of the agriculturist and to raise the price of imported articles. Why ought this time particularly to be selected for raising the duties on imported goods when the importation of such goods was absolutely interdicted by law? The very reference of these propositions to the Committee of Ways and Means, he said, would have an effect to raise the

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prices of the goods on hand. It was not a proposition to lay discriminating duties; he never would consent to tax agriculture for the purpose of raising up manufactures. He wished to see manufactures flourish, but not at the expense of agriculture.

Mr. PORTER said that the duties on imports were already as high as they ought to be. In the State which he represented there were perhaps more manufactories of cotton than in all the United States besides. But he would not, to make them still greater, depress agriculture. The profits of the manufacturer were, besides, already sufficiently large. While the agriculturists for some time past had not made two per cent. on their capital, the manufacturers had made from 50 to 100 per cent. and become enormously rich.

Mr. RHEA was not certain that he should be for increasing the duties, but he wished a full report on the subject. That manufactures would do injury to the agricultural interest, was a paradox, he said, more talked about than understood. If the United States consume as much produce as was exported, would not agriculture be benefited by the increased demand for produce? Everything tending to lessen the importation of foreign merchandise went to the benefit of agriculture.

Mr. MACON was willing to refer the subject, though he would not agree to tax the agriculturist for the benefit of the manufacturer. He did not fear the effect of a reference on the market. Numerous petitions, praying an increase of duty on imported hats, had been referred to a committee; but he presumed the reference of those petitions had not raised the price of hats.

Mr. EPES observed that on the 8th of January the Committee of Ways and Means had addressed a letter to the Secretary of the Treasury, asking how far the duties on goods imported into the United States could be increased without detriment to the revenue. The committee had been since that time in daily expectation of an answer, on which they intended to act as soon as it was received.

On motion of Mr. LIVERMORE, the resolutions were ordered to lie on the table.

DETACHMENT OF MILITIA.

The House went into Committee of the Whole, on the bill authorizing a detachment of the militia of the United States, as reported with amendments by a select committee.

The bill as amended provides—

That the President of the United States be, and he is hereby, authorized, at such times as he shall deem necessary, to require of the Executives of the several States and Territories, to organize, arm, and equip, according to law, and hold in readiness to march at a moment's warning, their respective proportions of one hundred thousand militia, officers included, to be apportioned by the President of the United States, from the latest militia returns in the Department of War; and in cases where such returns have not been made, by such other rule as he shall judge equitable.

SEC. 2. That the Executives of the several States

and Territories may accept, as part of the said detachment, any corps of volunteers who shall engage to continue in service six months after they arrive at the place of rendezvous.

SEC. 3. That each company of volunteers may be composed of volunteers from one or more companies of militia, and shall be commanded by such officers from the respective companies to which they belong, as the Executive of the State or Territory may designate for that purpose, having regard, as near as may be, to the numbers volunteering from each company.

SEC. 4. That each volunteer shall sign an engagement to serve the United States, according to the provisions of this act; and when his engagement shall be accepted by the Executive of the State or Territory to which he belongs, he shall, as soon as called into actual service, under authority of the United States, be subject to the rules and articles of war; and may also be called into the service of the United States, to any place, not beyond sea, out of the jurisdiction of the United States.

SEC. 5. That when a return of such volunteers shall be made to the Department of War, each non-commissioned officer and private shall be furnished by the United States with a musket and other accoutrements required by law, in complete order, and each musician with a suitable instrument of music.

SEC. 6. That the said volunteers shall, once in each year, if not called into actual service, be encamped for ten days successively, for improvement in camp duty and discipline, either by regiments, battalions, or companies, as the commander of brigade shall direct. And in case any non-commissioned officer, musician, or private, shall fail to attend and perform his duty as aforesaid, without an excuse satisfactory to the commandant of his regiment, or shall so appear, without being uniformed according to orders, his arms and accoutrements, or musical instruments, shall revert to the United States.

SEC. 7. That, for the safe-keeping and security of the arms, accoutrements, and instruments of music, aforesaid, the commandant of each regiment be, and he is hereby, authorized and required to designate some convenient place of rendezvous, at which the volunteers aforesaid shall meet, for the purpose of being instructed in camp duty and discipline, as herein before directed; and at the place so designated there shall be an arsenal for the deposit of the said arms, accoutrements, and instruments of music, to be kept in good order, ready to be delivered to the several companies of volunteers aforesaid, either to be instructed in camp duty and discipline as aforesaid, or when called into actual service. And at the expiration of the time for which such volunteers engaged to serve, they shall each be entitled to the arms, accoutrements, and instruments of music aforesaid, as their own private property, to be used and disposed of as they shall think proper: *Provided nevertheless*, That before any such volunteer shall receive the arms, accoutrements, or instruments of music to which he is entitled by this act, he shall produce from the commanding officer of his regiment a certificate that he has performed the service required by his engagement.

SEC. 8. That the commanding officer of each regiment be, and he is hereby, authorized and required to rent for the use of the United States, a convenient building to be used as an arsenal, for the deposit of the arms, accoutrements, and instruments of music aforesaid; and to allow the armorer, to be appointed for keeping the same in good order, such reasonable

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compensation, not exceeding — per month, as in his judgment shall be just and equitable. And in case there shall not be a sufficient number of volunteers in any State or Territory to form a regiment, then the duties required of the commandant of regiment shall be performed by the commandant of battalion.

SEC. 9. That while marching to and from, and performing duty at, such encampment, the commissioned officers and musicians shall be allowed the same monthly pay, and the non-commissioned officers, musicians, and privates, the same rations as in the Army of the United States, and one day's march shall be estimated at twenty miles.

SEC. 10. That the detachment of militia and volunteers aforesaid, shall be officered out of the present militia officers, or others, at the option and discretion of the constitutional authority in the respective States and Territories, the President appointing the general officers among the several States and Territories, as he may deem proper.

SEC. 11. That the said detachments shall not be compelled to serve a longer time than six months after they arrive at the place of rendezvous, and that during the time of their service they shall be entitled to the same pay, rations, and allowances for clothing, as are established by law for the Army of the United States.

SEC. 12. That the militia draughted as aforesaid, or who shall volunteer as a part of the detachment authorized by this act, shall be liable to do duty in the several regiments, companies, and corps to which they belong, in the same manner as they would do if the aforesaid detachment had not been made, except when in service: *Provided, however,* That in all cases where said detachment shall be called into service, or whenever such troops shall be called out for military exercise, they shall be excused from performing duty in their respective regiments and corps, during the continuance of such service.

SEC. 13. That the President of the United States be, and he is hereby, authorized to call into the service any part or the whole of said detachment, when he shall judge that the exigencies of the United States require it; and if a part only of said detachment shall be called into actual service, they shall be taken from such parts thereof as the President of the United States shall deem proper.

SEC. 14. That a sum not exceeding one million of dollars be, and the same is hereby, appropriated out of any moneys in the Treasury not otherwise appropriated, for the pay, subsistence, and support of such part of said detachment as shall be called into actual service.

SEC. 15. That this act shall continue and be in force for two years from the passage thereof, and no longer.

The bill having been read—

Mr. HURRY conceived that the clause which provides for the apportionment of the draught, according to the last returns would operate unequally, as some returns had been regularly made, and others had not. Such an apportionment would require from Massachusetts, one-fifty-seventh part of her whole population; from Rhode Island, one-sixtieth; from Connecticut, one-seventy-ninth; from New Jersey, one-thirty-eighth; from Delaware, one-forty-third. This inequality was owing to the different modes of making returns. He proposed an amendment authorizing the apportionment to be made according to the number of white male inhabitants between 16

and 45 years of age, as ascertained by the last census.

Mr. ROSS opposed the amendment as operating partially towards States having black population, and therefore aggressively on the States having no black population.

Mr. TROUP replied to Mr. ROSS's remarks on the subject of black population.

Mr. VARNUM opposed the amendment, because it would operate unjustly. Those States whose numbers had not increased at all would have to contribute more than their proportion, whilst those which had rapidly increased in population would contribute just as much less than their proportion as their numbers at the last census were smaller than at present.

Mr. ROOR thought the mode proposed by the bill most advisable. Every mode would be liable to objections. One reason of the difference in the ratio of the returns of the militia was, that New Jersey returned all the Quakers as militia men, whilst other States did not. If the proposed amendment was adopted, New York would not have her proportion, as he was anxious she should have, if the bill passed as reported. If the amendments reported were not agreed to, he did not care how few were required of that State.

Mr. MARION was opposed to the amendment, because he thought the apportionment ought to be according to the returns, though no State would be more benefited by a different course than South Carolina. Policy forbade that State to lessen the number of its militia, and every man capable of militia duty was returned, and therefore the State returned a larger number in proportion to its white population than other States.

Mr. SOUTHWARD was in favor of striking out the present mode for the purpose of substituting another, though he did not precisely concur in the mode proposed.

Mr. HOLLAND spoke against the amendment.

Mr. HUFFY withdrew his amendment to make way for another motion, viz:

Mr. BIRB moved to amend the bill so as to apportion the respective quotas "according to the number of white male inhabitants between the ages of 16 and 45, to be collected from any returns in the Department of War, or in any other way he (the President) may judge equitable."

The question being taken on this motion, it was negatived.

Mr. GARLAND objected to that part of the bill which provides that the officers shall receive pay whilst in training, whilst a similar provision was not contained as to the privates.

Mr. CLAY observed that the privates were to receive their accoutrements instead of pay.

Mr. NELSON was in favor of putting the officers and privates on the same footing. If they paid one, they ought to pay both. The accoutrements would be of no use to a person but in the service of the United States, if he should be again called into service. It seemed hard that the officers, who were generally men of property,

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should be paid for their service, whilst the privates, less able to lose their time, were to receive nothing. If there was to be a distinction, he had rather the privates should be paid, and the officers should serve gratis.

Mr. GARLAND moved to amend the bill so as provide that non-commissioned officers and privates also should receive pay whilst in training.

Mr. ROOR said he admired the zeal of the gentleman from Maryland on this occasion; but he was confident if he had examined the bill in all its bearings, he would not have made the same objection. The bill was calculated to reward both officers and soldiers. The officers being bound to furnish themselves with all accoutrements were to receive pay, but no other emolument, neither forage or rations. Officers in the Army rarely drew rations, but took commutation. It was supposed the usual pay would about defray the officer's expenses while attending on duty, and that it was supposed would be enough. It was calculated to pay the officers partially with honor. No more ought to be bestowed than would secure them from loss in volunteering their services. As to the privates, it was only those who subscribed to certain engagements that were to be employed in this extra service. As an inducement they were to draw rations whilst on duty, and for pay they were to receive their arms and accoutrements at the expiration of their engagement. The gentleman from Maryland seemed to think that arms would be of no value to them. Mr. R. said, if the gentleman would reflect that by the present militia laws every citizen was bound under a penalty to furnish himself with arms, and those, too, of a certain description, he would deem these arms worth something. By this means for their services they would receive muskets of the kind required by law, which they might not otherwise be able to acquire. Musicians were to receive both pay and rations, because the musical instrument was not sufficiently valuable to make a donation of it to operate as an inducement to the musician to volunteer his services.

Mr. CLAY had no great objection to the amendment. But surely, he said, a set of arms, worth ten or fifteen dollars, was sufficient remuneration for ten days' service in training. When called into actual service they were to receive in every respect the same pay as regular troops.

Mr. SMILE said that the arms were a bounty to volunteers. The rations were to support them while in the field. In fixing the pay of an army, of whatever description, due regard ought to be had to the materials of which it is composed. This was not to be a mercenary regular army, but, as he trusted, a body composed of the best materials of the country.

Mr. VARNUM was in favor of the amendment. Notwithstanding the donation of the accoutrements of the soldiers might be deemed a sufficient compensation for ten days' service, yet it was to be considered that those who turned out as volunteers and signed an engagement to serve six months, and to remain under that engagement

two years, made a considerable sacrifice. The bounty of a set of arms was not too great an inducement to engage. In addition to this they ought to receive compensation while in service, and be placed in this respect on a par with the officers.

Mr. BASSETT said that in ordinary militia duty the laws at present required every militiaman to be mustered at least six days in a year at his own cost, and in so doing they were often compelled to go twenty or thirty miles to the place of rendezvous. Now the ten days in the year, during which these volunteers were to be exercised, would be but an addition of four days to the time now required, and as compensation they would draw the rations the whole time. The sum to be paid to each one, if the amendment was adopted, would be but a dollar and two-thirds, and no great object to the individuals; but as economy was of importance at this time, the sum total would be an object to the finances of the United States.

Mr. GARLAND observed that the accoutrements were to be no part of compensation for the services of the volunteers, but a bounty to induce them to engage. These distinctions between officers and privates were always odious. Hence it was that it was so much easier to procure an army of officers than of soldiers. Small as the sum was to each individual, the amendment was correct in principle, and would place the privates on an equal footing with the officers. These persons were not by the bill exempt from ordinary militia duty, as he understood it; so that it would be ten and not four days' additional service. The distinction, if suffered to remain, would be odious and prejudicial to the system; and if the pay was only six cents instead of a dollar and two-thirds, it ought to be given.

Mr. ROOR was afraid that this bounty to the volunteers would break them down. It was proposed now to give to the privates the same pay and rations as to the Army of the United States whilst in service. If the same was given to the officers (to whom the bill allows pay only) there would be a great contest who should be received as officers. No more was required than a sufficient inducement to the militia to volunteer, and it was already held out by the bill. If the committee were thus lavishly bountiful, before the bill found its way to the President, it would be broken down.

The amendment moved by Mr. GARLAND was agreed to—40 to 35.

Mr. BASSETT moved to strike out the words "six months," the time for which the militia are liable to serve after they arrive at the place of destination, and insert "nine months." If to be called out at all, six months would be too short a time for them to employ it to any advantage.—Agreed to—49 to 32.

Mr. HALE said there were many companies in the United States, and in some parts the whole body of the militia, who were already armed and equipped according to law. To them a bounty of their accoutrements would be no inducement

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to engage. He moved to amend the bill by adding a provision that any volunteer, who had at his own expense, armed and equipped himself according to law, should receive compensation therefor in money equal to the cost of the arms, to be estimated by the Secretary of War.

Mr. POINDEXTER hoped the motion would not be agreed to. It appeared that the United States had already a sufficient number of arms to arm the whole number to be called into service under the bill. If a million of dollars was to be expended for the arms for these volunteers, it would essentially change the question which the bill presented to the House. It was a desirable object, acknowledged by all to be so, to disperse the arms in possession of the Government over the United States. The amendment would involve the Government in an enormous expense; and those persons who had not guns would borrow a gun to muster with, and the Government would have to pay for it, and there would be no more arms dispersed through the country than there were at present. The object was to preserve the arms of the United States in good order, and to disperse them over the United States, and both objects would be defeated by the amendment.

Mr. CLAY opposed the amendment as leading to imposition on the Government.

Mr. HALE said it appeared to him to be extremely hard that one part of the people should be compelled to arm themselves completely at their own expense, whilst another part was armed at the public expense.

Mr. CLAY observed that Virginia had many stands of arms, though they were not dispersed among the people, but deposited at particular places. He believed, if the fact could be ascertained, it would be found that some of the States, whose militia had not arms in their hands, had as many arms as those States whose militia was completely armed.

Mr. ROOT said that the amendment moved by the gentleman would have a bad effect on the country he represented. It might be that in the State of New Hampshire the whole body of the militia was armed according to law, but he had no doubt that the inspectors permitted arms of very different calibres to pass inspection. But if they were completely armed, the youth growing up would want arms. Where, however, the militia were not all armed according to law, the young men, for speculation alone, would sign the engagement. They would borrow muskets, draw money for them, and the country would be no better armed than it is now. The object of the bill was to invite citizens to go into camp, and become acquainted with military discipline, as a remuneration for which they were to receive a stand of arms at the end of the period of their engagement. He had no doubt a sufficient number of persons might be found unarmed in the Eastern States to complete their whole quota.

Mr. HALE observed that if the arms were not *according to law*, his amendment would not benefit those holding them, and that would remove

one objection of the gentleman who had just sat down.

Mr. CLAY said that if the amendment was agreed to, every man volunteering would be ready armed; and the United States would be charged with an additional expense of a million of dollars.

The amendment was negatived—ayes 25.

Mr. VAN HORN moved to strike out the words "not beyond sea;" as he did not believe the militia could be marched anywhere out of the jurisdiction of the United States, he wished to do away all ambiguity on the subject.

Mr. CLAY said that the *volunteers* were, if their services were required, to go without the jurisdiction of the United States, but not beyond the sea.

Mr. MACON wanted to know what sort of troops these were; they appeared to be neither one thing or the other. He was as desirous as any one of arming the whole body of the militia of the United States, but he did not think this the best way of doing it.

Mr. POINDEXTER quoted the dictionary to explain to gentlemen the meaning of the word "volunteer," viz: "a soldier who goes of his own accord." Before engaging, they were to sign an obligation to serve if wanted. If the amendment was agreed to, they could not march to Canada, if necessary.

Mr. VAN HORN said if he was in error, it originated from the name with which the bill was christened: "a bill authorizing a detachment from the militia of the United States." The Constitution gave Congress no power to call out militia, but to execute the laws, repel invasion, &c., and for that purpose there could be no occasion for their going beyond the limits of the United States. Was this the way Congress were to legislate? Why not say at once that they were going to war? These two little words, it seemed, were a declaration of war against Canada. Mr. VAN HORN said he had no idea of authorizing the President of the United States to march the militia or volunteers into Canada. It was a new way of making war. He had as much confidence in the President as he had ever expected to have in any man, but he thought, under the oath he had taken to support the Constitution, he could not vote for the bill if the words were retained.

Mr. VARNUM observed that the title need not be an object of objection, for that could be amended at a proper time. If Great Britain should make an attack on the country, those men would be ready to march into the British provinces. If an attack was made by France on the other hand, and it was necessary to go into Florida, these men would be ready for that purpose. He was clearly of opinion that the words ought to be retained.

Mr. CLAY said that if his Eastern friends should be invaded, he wished to be ready to assist them; and, when they had driven the enemy back to the line, to be at liberty to step over it. He said gentlemen might as well doubt the right of Con-

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gress to legislate at all, as doubt their right to make the provisions contemplated by the bill. Whether it was retained or not, he apprehended that the militia, after they had driven an invading force to the line, would not stop there.

Mr. KEY thought this a very important question, wrapped up in the soft title of a bill authorizing a detachment of militia. He agreed with the gentleman that the militia, after pursuing the enemy to the line, would not pull off their hats and bid them good bye; but that was not the question. This "detachment of militia," was in fact a provisional army to serve for nine months, in effect a standing army for that time. There was nothing ever less like a militia than this volunteer corps. He was for the amendment.

A motion was made that the Committee rise and report progress.

Mr. LYON hoped the Committee would not rise, for it seemed to be just understood that this bill was to raise an army of 100,000 men to go to Canada or Cape Horn. He was not much alarmed at the idea of the President's using the power proposed to be given him by the bill. No President would dare to call out an army to attack Canada under such a bill as this. But why violate the Constitution in this way? One of the great charges against the Federal Administration was, that it created an army in this way that the Constitution did not recognise. He had no idea in this way of raising an army to go to Hudson's Bay or Cape Horn. If that was not intended, why not strike out the words?

Mr. HOLLAND said it would be perfectly understood by those engaging as volunteers, that they were to go beyond the jurisdiction of the United States if required, and he wished the United States to have fifty or one hundred thousand men ready to march at a moment's warning if it should be deemed necessary.

The Committee then rose—50 to 46—and obtained leave to sit again.

FRIDAY, March 2.

On motion of Mr. McKIM,

Resolved, That the Secretary of the Treasury be requested to lay before this House such information as he may be possessed of, touching the emoluments and expenditures of the Collector of the port of Baltimore, for the years 1808 and 1809, in the discharge of the duties of his office.

On motion of Mr. MORROW,

Ordered, That the Message from the President of the United States, transmitting certain Indian treaties, received yesterday, be referred to the Committee of Ways and Means.

The SPEAKER laid before the House a letter from the Postmaster General, enclosing his two annual reports respecting unproductive post routes and public contracts; which were read, and ordered to lie on the table.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act making an appropriation for the purpose of trying the practical use of the Torpedo or Sub-

marine Explosion; to which they desire the concurrence of this House.

MRS. HAMILTON'S CLAIM.

The House resolved itself into a Committee of the Whole on the following resolution reported by the Committee of Claims on the petition of Elizabeth Hamilton.

Resolved, That the prayer of the petitioner ought not to be granted.

MESSRS. NELSON and TAYLOR opposed, and MESSRS. ROOT, BOYD, and MONTGOMERY, supported the report—each at considerable extent.

At length the question was taken in Committee, and the report disagreed to, 60 to 52. The Committee rose, and reported their disagreement.

The House concurred with the Committee of the Whole in their disagreement—yeas 62, nays 52, as follows:

YEAS—Burwell Bassett, Daniel Blaisdell, Jas. Breckenridge, John Campbell, John C. Chamberlain, William Chamberlin, Epaphroditus Champion, Martin Chittenden, Howell Cobb, Samuel W. Dana, John Dawson, William Ely, James Emott, Jonathan Fisk, Thomas Gholson, jr., Thomas R. Gold, William Hale, Nathaniel A. Haven, Daniel Heister, Benjamin Howard, Jonathan H. Hubbard, Richard Jackson, jr., Richard M. Johnson, Walter Jones, Philip B. Key, Herman Knickerbacker, Joseph Lewis, jr., Edward St. Loc Livemore, Robert Le Roy Livingston, Matthew Lyon, Vincent Matthews, Archibald McBryde, Pleasant M. Miller, William Milnor, Jeremiah Morrow, Jonathan O. Moseley, Gurdon S. Mumford, Roger Nelson, Thomas Newton, John Nicholson, Joseph Pearson, Benjamin Pickman, jr., Timothy Pitkin, jr., Elisha R. Potter, Josiah Quincy, John Ross, Adam Seybert, Dennis Smelt, Samuel Smith, John Stanley, William Stedman, James Stephenson, Lewis B. Sturges, Jacob Swoope, Samuel Taggart, John Taylor, Uri Tracy, Nicholas Van Dyke, Archibald Van Horn, Killian K. Van Rensselaer, Laban Wheaton, and Ezekiel Whitman.

NAYS—Willis Alston, jr. William Anderson, Ezekiel Bacon, David Bard, Wm. W. Bibb, Adam Boyd, Robert Brown, William Butler, Joseph Calhoun, Matthew Clay, James Cochran, Orchard Cook, James Cox, William Crawford, Henry Crist, Joseph Desha, William Findley, Meshack Franklin, Barzillai Gannett, Gideon Gardner, David S. Garland, Peterson Goodwyn, James Holland, Jacob Hufty, William Kennedy, Aaron Lyle, Nathaniel Macon, Robert Marion, Alexander McKim, John Montgomery, Nicholas R. Moore, Thomas Moore, Thomas Newbold, John Porter, John Rea of Pennsylvania, John Rhea of Tennessee, Matthias Richards, John Roane, Erastus Root, Ebenezer Sage, Thomas Sammons, Ebenezer Seaver, Samuel Shaw, John Smilie, George Smith, John Smith, Henry Southard, Richard Stanford, John Thompson, Robert Weakley, Robert Whitehill, and Robert Witherspoon.

After some conversation as to the proper course now to be pursued,

Mr. GHOLSON moved that the Committee of Claims be instructed to report a bill, pursuant to the prayer of Elizabeth Hamilton.

The motion was agreed to by yeas and nays—61 to 46—as follows:

YEAS—Burwell Bassett, Daniel Blaisdell, Jas. Breckenridge, John Campbell, John C. Chamberlain, William Chamberlin, Epaphroditus Champion, Martin Chittenden, Howell Cobb, Samuel W. Dana, John

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Claim of John Mulloony—Convoy and Arming.

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Dawson, William Ely, James Emott, Jonathan Fisk, Thomas Gholson, jr., Thomas R. Gold, William Hale, Nathaniel A. Haven, Daniel Heister, Benjamin Howard, Jonathan H. Hubbard, Richard Jackson, jr., Richard M. Johnson, Walter Jones, Philip B. Key, Herman Knickerbacker, Joseph Lewis, jr., Edward St. Loë Livermore, Robert Le Roy Livingston, Matthew Lyon, Vincent Matthews, Archibald McBryde, Pleasant M. Miller, William Milnor, Jeremiah Morrow, Jonathan O. Moseley, Gurdon S. Mumford, Roger Nelson, Thomas Newton, John Nicholson, Joseph Pearson, Benjamin Pickman, jr., Timothy Pitkin, jr., Elisha R. Potter, Josiah Quincy, John Ross, Dennis Smelt, John Stanley, William Stedman, James Stephenson, Lewis B. Sturges, Jacob Swoope, Samuel Taggart, John Taylor, Uri Tracy, Nicholas Van Dyke, Killian K. Van Rensselaer, Laban Wheaton, Ezekiel Whitman, James Wilson, and Richard Winn.

YAYS—Willis Alston, jr., William Anderson, Ezekiel Bacon, David Bard, William W. Bibb, William Butler, Joseph Calhoun, James Cochran, James Cox, William Crawford, Henry Crist, Joseph Desha, William Findley, Meshack Franklin, Barzillai Gannett, Gideon Gardner, David S. Garland, Peterson Goodwyn, James Holland, Jacob Huffy, William Kennedy, Aaron Lyle, Nathaniel Macon, Robert Marion, Alexander McKim, John Montgomery, Nicholas R. Moore, Thomas Moore, Thomas Newbold, John Porter, John Rea of Pennsylvania, John Rhea of Tennessee, Matthias Richards, John Roane, Erastus Root, Ebenezer Sage, Thomas Sammons, Samuel Shaw, John Smilie, George Smith, John Smith, Henry Southard, Richard Stanford, Robert Weakley, Robert Whitehill, and Robert Witherspoon.

CLAIM OF JOHN MULLOWNY.

Mr. JOHNSON, from the Committee of Claims, made a report on the petition of John Mulloony, referred on the 4th December last; which was read, and concurred in by the House. The report is as follows:

That this claim is for damages arising from the capture of the British brig Catharine, in the year 1793, by the French national ship L'Embuscade, Captain Beaufray, within the territory of the United States, and awarded in 1794, by the district court of New York, to the amount of \$2,934 70. The committee refers to, and makes a part of this report, the letter from Mr. Jefferson to Mr. Madison. The committee will further add, that the United States are not liable to make pecuniary compensation for any injury inflicted by a belligerent within the jurisdiction of our neutral waters. We are bound only to use all the means in our power to prevent such a wrong, and to restore the property when taken. So that the claim in this case is not entitled to the legal or equitable consideration of the United States, either upon the general principles of the laws of nations, or upon the peculiar circumstances of the case. The vessel and cargo in this case were restored by the interposition of the United States, and the claim is the damages recovered in our courts; and it would be improper that the United States should assume a responsibility for such damages. All that can be asked in such a case would be the legal process of the courts to reach the person and the property of the individual against whom judgment was pronounced, which was not withheld in this case. The committee recommend the following resolution:

Resolved, That the prayer of the petition ought not to be granted.

MONDAY, March 5.

The SPEAKER laid before the House a letter from the Governor of the State of Ohio, enclosing a resolution of the General Assembly of that State, expressive of their approbation of the conduct of the General Government in the negotiations with foreign Powers; which were read, and ordered to lie on the table.

CONVOY AND ARMING.

Mr. EPPES, from the committee to whom were referred the amendments from the Senate to the bill concerning commercial intercourse, &c., and Mr. E.'s amendments thereto, together with the bill reported by Mr. BURWELL, concerning convoy, &c., reported in part the following bill:

A Bill authorizing the President to employ the public armed vessels of the United States in protecting, by convoy, merchant vessels owned wholly by citizens of the United States, in voyages to ports or places with which intercourse is prohibited by the decrees or orders of the Governments of Great Britain and France.

Whereas, when two nations go to war, those that remain at peace retain their natural right to pursue their agriculture, manufactures, and commerce; to carry the produce of their labor to all places, belligerent or neutral, as usual; to go and come freely without injury or molestation; and, in short, that the war shall be to them as if it did not exist (with the exception only of not furnishing to either party implements of war for the annoyance of the other; nor anything whatever to a place actually invested by its enemy:) And whereas, the state of war, at present existing between Great Britain and France, furnishes no legitimate right to either to interrupt the agriculture of the United States, or the peaceable exchange of its produce with all nations: And whereas, the Governments of Great Britain and France have, at various periods, issued decrees and orders in violation of the laws of nations, which, if submitted to, must finally terminate in the destruction of agriculture and commerce, branches of industry, which give food, clothing, and comfort, to the great mass of the inhabitants of the United States: And whereas, no nation can submit to have its peaceable industry suspended at the mere will of other nations: And whereas, repeated applications have been made to the Governments of Great Britain and France, by the Government of the United States for a withdrawal of their decrees and orders, violating the lawful commerce and neutral rights of the United States; and these decrees and orders are still persisted in, to the great injury of the United States and in violation of their rights:

Be it enacted, by the Senate and House of Representatives of the United States of America, in Congress assembled, That the merchant vessels of the United States, owned wholly by a citizen or citizens thereof; laden wholly with articles of the growth, produce, or manufacture of the United States, owned wholly by a citizen or citizens thereof; navigated wholly by citizens of the United States, not having on board implements of war, and bound to any port or place not actually invested, with which intercourse shall be prohibited by the decrees or orders of the Governments of Great Britain or France, shall be entitled to protection by convoy.

Sec. 2. And be it further enacted, That the President of the United States shall be, and he is hereby,

authorized and required, on the application of a citizen or citizens of the United States, to employ the public armed vessels of the United States, in convoying and protecting merchant vessels of the United States, owned wholly by a citizen or citizens thereof; laden wholly with articles of the growth, produce, or manufacture of the United States, owned wholly by a citizen or citizens thereof; navigated wholly by citizens of the United States, not having on board implements of war, and bound to any port or place not actually invested, with which intercourse shall be prohibited by the decrees or orders of the Governments of Great Britain or France.

SEC. 3. *And be it further enacted*, That the President of the United States is hereby authorized to instruct the commanders of the public armed vessels of the United States to oppose and defend against any search, restraint, or seizure, which shall be attempted upon vessels sailing under convoy, by the commander or crew of any armed vessel sailing under British or French colors, and to repel by force any assault or hostility which may be committed by such British or French armed vessel pursuing such attempt, and to subdue and capture the same.

SEC. 4. *And be it further enacted*, That any British or French armed vessel which shall be captured in consequence of search, restraint, or seizure, which shall be attempted upon vessels under convoy, shall be considered lawful prize, and may be condemned in any court of the United States having competent jurisdiction; and the proceeds arising from the sale of such prize shall be distributed in conformity to the provision of the act for the better government of the navy of the United States.

SEC. 5. *And be it further enacted*, That after notice of this act at the several custom houses, it shall be the duty of the collectors to refuse a clearance to any merchant vessels bound, under convoy, to any port or place with which intercourse shall be prohibited by the decrees or orders of the Governments of Great Britain or France, unless satisfactory proof shall be exhibited that the cargo of such vessel consists wholly of articles of the growth, produce, or manufacture of the United States; that the vessel and cargo are owned wholly by a citizen or citizens thereof; that the vessel is navigated wholly by citizens of the United States; and no part of the cargo consists of implements of war. And it shall be the duty of the collector to annex to the clearance granted, a certificate stating that the vessel and cargo are owned wholly by a citizen or citizens of the United States; that the vessel is navigated wholly by citizens of the United States; that the cargo consists wholly of articles of the growth, produce, or manufacture of the United States, and that implements of war constitute no part of the cargo.

SEC. 6 *And be it further enacted*, For the better regulation of the conduct of the collectors at the several ports, that the terms "implements of war," used in this act, shall be considered as including the following articles and no other, viz: saltpetre, sulphur, cuirasses, pikes, swords, sword belts, knapsacks, saddles and bridles, cannons, mortars, fire-arms, pistols, bombs, grenades, bullets, fire-locks, flints, matches, and gunpowder.

SEC. 7. *And be it further enacted*, That the President of the United States shall be, and he is hereby authorized to establish suitable instructions in conformity with the provisions of this act, for the regulation of the conduct of the collectors at the several ports, and of the officers of the navy employed in convoying mer-

chant vessels bound to ports or places with which intercourse shall be prohibited by the decrees or orders of the Governments of Great Britain or France.

SEC. 8. *And be it further enacted*, That whenever the decrees and orders of the Governments of Great Britain and France, violating the lawful commerce and neutral rights of the United States, shall be withdrawn, the powers vested in the President of the United States by this act shall cease and determine. And in the event of a withdrawal of the decrees and orders of only one of the belligerents, the President of the United States shall continue to employ the public armed vessels in protecting, by convoy, (in conformity to the provisions of this act) the lawful commerce of the United States against the Power continuing in force its decrees or orders.

The bill was twice read and referred to a Committee of the whole House.

COMMERCIAL INTERCOURSE.

MR. EPPES also reported the disagreement of the committee to the amendments of the Senate to the bill concerning commercial intercourse, &c.

The immediate consideration of the last mentioned report of the Committee was objected to by MR. DANA and MR. QUINCY, because the time (12 o'clock) had not arrived for taking up the order of the day. But, before the question was taken on a motion of MR. QUINCY to lay it on the table, the hour arrived; and MR. QUINCY withdrew his motion. MESSRS. BURWELL and LIVERMORE spoke in favor of an immediate decision, as also did MR. QUINCY.

The question was then stated on concurring with the report of the select committee in their disagreement to the amendments of the Senate.

MR. DANA called for a division of the question. He was in favor of agreeing with the Senate in striking out all the sections they had expunged, except the last, which limits the duration of the bill.

The question was taken, without debate, on concurring with the committee in their disagreement to all the amendments of the Senate except so much as strikes out the last section, and decided in the affirmative—yeas 67, nays 47, as follows:

YEAS—Willis Alston, jr., William Anderson, David Bard, Burwell Bassett, William W. Bibb, Adam Boyd, Robert Brown, William A. Burwell, William Butler, Joseph Calhoun, Matthew Clay, John Clopton, Howell Cobb, James Cochran, Orchard Cook, James Cox, William Crawford, Henry Crist, Richard Cutts, John Dawson, Joseph Desha, John W. Eppes, William Findley, Jonathan Fisk, Meshack Franklin, Barzillai Gannett, Gideon Gardner, Thomas Gholson, jr., Peterson Goodwyn, James Holland, Benjamin Howard, Jacob Hufty, Richard M. Johnson, Aaron Lyle, Nathaniel Macon, Samuel McKee, Alexander McKim, Pleasant M. Miller, Thomas Moore, Jeremiah Morrow, Gurdon S. Mumford, Thomas Newbold, Thomas Newton, John Porter, Peter B. Porter, John Rea of Pennsylvania, John Rhea of Tennessee, Matthias Richards, John Roane, Erastus Root, Ebenezer Sage, Thomas Sammons, Ebenezer Scaver, Adam Seybert, Samuel Shaw, Daniel Sheffey, John Smilie, George Smith,

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Batture at New Orleans.

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Samuel Smith, Henry Southard, Richard Stanford, John Taylor, John Thompson, Uri Tracy, Charles Turner, jr., Robert Whitehill, and Richard Winn.

NAVS—Lemuel J. Alston, Ezekiel Bacon, Daniel Blaisdell, James Breckenridge, John Campbell, William Chamberlin, Epaphroditus Champion, Martin Chittenden, Samuel W. Dana, William Ely, James Emott, David S. Garland, Thomas R. Gold, Edwin Gray, William Hale, Nathaniel A. Haven, Daniel Heister, Jonathan H. Hubbard, Richard Jackson, jun., William Kennody, Philip B. Key, Herman Knickerbacker, Joseph Lewis, jr., Edward St. Loë Livermore, Robert Le Roy Livingston, Vincent Matthews, Archibald McBryde, Jonathan O. Moseley, Joseph Pearson, Benjamin Pickman, jr., Timothy Pitkin, jr., Elisha R. Potter, Josiah Quincy, John Ross, Dennis Smelt, John Stanley, William Stedman, James Stevenson, Lewis B. Sturges, Jacob Swoope, George M. Troup, Archibald Van Horn, Killian K. Van Rensselaer, Robert Weakley, Laban Wheaton, Ezekiel Whitman, and James Wilson.

So the House refused, by a majority of twenty, to agree to strike out the 3d, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, and 13th sections.

The question was then stated on concurring with the committee in their disagreement to the remainder of the Senate's amendments, viz: striking out the 12th section (limiting the bill to the end of the next session.)

Mr. DANA said he was not for making the law perpetual, and, therefore, he should certainly vote against this part, though he was in favor of all the rest of the Senate's amendment.

Mr. PITKIN hoped this part of the amendment would not be agreed to, the more especially as a bill was this morning laid on the table for commencing a convoy system. If we excluded armed vessels from our waters, no doubt other nations would adopt the same course in relation to our vessels. The bill ought, therefore, certainly to have a short existence, if passed into a law, or our vessels would not be permitted to convoy vessels to any port.

The question was taken on agreeing to strike out this section, and lost, one hundred and fourteen members voting to retain the section, and not one to strike it out.

So the bill is returned to the Senate precisely in the same form in which it first went from this House.

BATTURE AT NEW ORLEANS.

The House refused a call of Mr. BASSETT for the order of the day on the bill from the Senate respecting the Navy, and of Mr. CLAY for the militia volunteer bill—and, on motion of Mr. POINDEXTER, again took up the subject of the batture at New Orleans.

The resolution offered by Mr. POINDEXTER on a former day, but modified to-day, was under consideration in the following words:

Resolved, That it is expedient to authorize the persons, or their legal representatives, who were removed from the batture in front of the suburb St. Mary, in the Territory of Orleans, by order of the President of the United States, on the twenty-fifth day of January, one

thousand eight hundred and eight, to institute such suit or action as may be necessary, in the District Court of New Orleans, against the Attorney of the United States for the District of Orleans, who shall be constituted a defendant in such action, for the express purpose of asserting and defending the right of the United States to said batture; and that the judge of the said Court, after the issue is joined between the parties, be authorized and required to order such action to be tried in such Circuit Court of the United States, where, in his opinion, a fair and impartial trial can be had, and the judgment of the court to which the same shall be removed for trial as aforesaid, may be re-examined and reversed or affirmed in the same manner as other causes in such Circuit Court are; and the final judgment, sentence, or decree, in such action shall be final and conclusive between the United States and all individual claimants as to the title of the said batture, and may be plead in bar to any subsequent suit or action for the recovery of the same, or any part thereof; and the record and proceedings in such action shall be returned and deposited among the judgments of the said District Court of the Territory of Orleans.

After much debate, the question was taken on its passage, and decided in the affirmative—yeas 60, nays 47, as follows:

YEAS—Ezekiel Bacon, Daniel Blaisdell, Adam Boyd, John Campbell, John C. Chamberlain, William Chamberlin, Epaphroditus Champion, Martin Chittenden, Matthew Clay, Henry Crist, William Ely, James Emott, Jonathan Fisk, David S. Garland, Thomas R. Gold, Edwin Gray, William Hale, Nathaniel A. Haven, Daniel Heister, Benjamin Howard, Jonathan H. Hubbard, Richard Jackson, jr., Philip B. Key, Herman Knickerbacker, Joseph Lewis, jr., Edward St. Loë Livermore, Robert Le Roy Livingston, Matthew Lyon, Vincent Matthews, Archibald McBryde, Samuel McKee, Pleasant M. Miller, Gurdon S. Mumford, John Nicholson, Joseph Pearson, Benjamin Pickman, jr., Timothy Pitkin jr., Peter B. Porter, Elisha R. Potter, John Rea of Pennsylvania, John Ross, Thomas Sammons, Adam Seybert, Daniel Sheffey, Dennis Smelt, Lewis B. Sturges, Jacob Swoope, Henry Southard, Richard Stanford, John Stanley, William Stedman, James Stephenson, Lewis B. Thompson, Uri Tracy, Archibald Van Horn, Killian K. Van Rensselaer, Laban Wheaton, Ezekiel Whitman, James Wilson, and Robert Witherspoon.

NAYS—Lemuel J. Alston, Willis Alston, jr., William Anderson, David Bard, Burwell Bassett, William W. Bibb, Robert Brown, William A. Burwell, William Butler, Joseph Calhoun, John Clopton, Howell Cobb, James Cochran, William Crawford, Joseph Desha, John W. Eppes, William Findley, Meshack Franklin, Barzillai Gannett, Thomas Gholson, jr., Peterson Goodwyn, James Holland, Jacob Hufty, Walter Jones, William Kennedy, Aaron Lyle, Nathaniel Macon, Alexander McKim, Thomas Moore, Jeremiah Morrow, Thomas Newbold, Thomas Newton, John Porter, John Rhea of Tennessee, Matthias Richards, John Roane, Ebenezer Sage, Samuel Shaw, John Smilie, George Smith, Samuel Smith, John Taylor, George M. Troup, Charles Turner, jr., Robert Weakley, Robert Whitehill, and Richard Winn.

The above resolution was referred to Messrs. SHEFFEY, POINDEXTER, ROSS, VAN HORN, and MILLER, to bring in a bill conformable thereto.

And the House adjourned.

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TUESDAY, March 6.

Mr. EPPES, from the Committee of Ways and Means, presented a bill making appropriations for carrying into effect certain Indian treaties; which was read twice and committed to a Committee of the Whole on Thursday.

Mr. ENORT, from the committee appointed, on the twenty-second of January last, on the petition of sundry inhabitants of the State of New York, presented a bill relative to the returning and empanelling of jurors in the Courts of the United States; which was read twice and committed to a Committee of the Whole on Thursday next.

Mr. LOVE, from the Committee for the District of Columbia, presented a bill to make public a road in Washington county, in the District of Columbia; which was read twice, and ordered to be engrossed and read the third time to-morrow.

A message from the Senate informed the House, that the Senate have passed the bill, entitled "An act to extend the time for locating Virginia military land warrants, and for returning the surveys thereon to the Secretary of the Department of War," with amendments; to which they desire the concurrence of this House. They have, also, passed a bill, entitled "An act for the relief of Charles Minifie;" to which they desire the concurrence of this House.

CONVOY AND ARMING.

The House resolved itself into a Committee of the Whole, on the bill "authorizing the President to employ the public armed vessels of the United States in protecting, by convoy, merchant vessels owned wholly by citizens of the United States, in voyages to ports or places with which intercourse is prohibited by the decrees or Orders of the Governments of Great Britain and France."

The bill having been read through by sections, without any attempt to amend it—

Mr. BURWELL spoke in favor of the principle of the bill. He was for defending the strictly neutral commerce of the United States.

Mr. EPPES explained the reasons which induced him to be in favor of the bill. He wished to see commerce resume its natural channel, that our farmers and planters might send a part of their produce to Portugal, Spain, Germany, and Holland—and to effect this object he was willing to protect by force the carriage of produce of our own soil, the property of our own citizens, on board of our own vessels.

Mr. GOLD said, that having barely had time to run over the bill, he was not able to form an opinion as to all the provisions it contained. The present was indeed a time of great difficulty, and he who could get over it without involving the country in war would deserve well of his country. The gentleman from Virginia (Mr. EPPES) himself had acknowledged that the question of the right of search by the belligerents was one of a very delicate nature. The gentleman had suggested however that this bill had peculiarly guarded against difficulty in refusing the right of search,

because it confined the cargo of the vessels to be armed or conveyed to the products of the country, and excluded enemies' goods. Every gentleman, Mr. G. said, must see that this was a question between two parties, belligerents and neutrals. Would the belligerents accept any evidence from a custom-house that nothing was to be found on board an armed vessel contrary to the law of nations or to the provisions of this act? He called the attention of gentlemen to the law of nations on this point, whether it contained any such principle as that the belligerent was bound to respect custom-house evidence, declaring the property of a vessel to be neutral? If that had been the law of nations, there never would have been any difficulty—nothing would have been more easy than for the neutral to have adopted a course which would at once have eluded this right of search. This difficulty, which had arisen during every war for many years past, laid here—that in time of war the neutral always suffered. Any gentleman who would take pains to examine this subject would find it throughout a subject of great difficulty. In support of the general truth of this assertion, Mr. G. referred to Marshal on Insurance, and quoted these passages:

"That the right of visiting and searching merchant ships upon the high seas, whatever be the ships, whatever be the cargoes, whatever be the destination, is an incontestible right of the lawfully commissioned cruisers of a belligerent nation."

"That the authority of the sovereign of the neutral country, being interposed in any manner of mere force, cannot legally vary the rights of the belligerent cruiser."

"That the penalty for the violent contravention of this right, is the confiscation of the property so withheld from visitation and search."

In support of his position, several writers were cited by Marshal. Vattel, who was not an English writer, contained the same position. "Without searching neutral ships at sea," says the writer, "the commerce of contraband goods cannot be prevented. There is then a right of searching. Some powerful nations have indeed, at various times, refused to submit to this search. At present, a neutral ship refusing to be searched would from that proceeding alone be condemned as lawful prize." The course of evidence at the custom-houses, guarding against the admission of enemies' property, Mr. G. said could not be effectual. When had a neutral, for several years past, claimed a right openly to carry enemy's property? It was always covered with neutral names. Was it expected that the custom-house officer, a tribunal of one party, was, on *ex parte* evidence, to deprive the other party, the belligerent, of his right? Mr. G. said he spoke of things as they are, and not as they ought to be. If Congress were about to frame a code of laws for nations, they might introduce whatever regulations to them seemed equitable; but, as it was, they must abide by the established law of nations. There might be the utmost faith in the officers of the customs, and yet enemies' property might elude their vigilance, or evade the law. Again—What evidence would

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the custom-house officers have whether a port was or was not actually invested when it granted papers to a vessel? If it were not at the time blockaded, how could they know that it would not be before the vessel arrived at its place of destination? It was impossible to guard against this difficulty. What constituted investment? A line of naval force drawn around a port to present actual hazard to vessels entering. Would gentlemen admit that a vessel's sailing destined to a port 3,000 miles distant, should be ground of forfeiture? Mr. G. said he knew there had been such decisions in the courts, but the question was by no means settled. A port not invested when a vessel sailed might become so before her arrival at it. He threw out these ideas with a view to show the difficulty of any tribunal at so great a distance pronouncing on any question relative to blockade, and giving such evidence on the subject as should obviate the right of search.

In reply to an observation of Mr. BURWELL, that this bill by introducing the principle of resistance, would do away the pretext of retaliation under which our neutral rights had been invaded—Mr. G. said it would give him pleasure if the belligerents could be satisfied with this mode of reasoning.

There were other difficulties which he had not time to examine. The list of contraband might be correct; but a neutral nation had no right to say that such and such articles alone should be deemed contraband of war, unless the list was so broad as to exclude all possibility of disagreement. He found, on examination, that Sweden and Spain asserted the right to search neutral vessels and to examine—1, whether the list of contraband articles was correct in principle; and, 2, whether the cargo corresponded with the declaration. These were a few of the difficulties which Mr. G. said presented themselves to his mind on this subject.

Mr. MUMFORD said that the sentiments expressed by Mr. BURWELL had given him great pleasure. He hoped that Congress would protect their own commerce, as they were indispensably bound by the Constitution to do. His colleague had quoted writers on the law of nations—he might have found many others—but in Europe they were considered as nothing. Power (said Mr. M.) constitutes right; and we, being the weaker on the ocean, are obliged to submit to the strong. But I hope the right of search of vessels carrying the productions of our own soil will not be submitted to. The gentleman says he does not understand how our custom-house officers are to have knowledge of a blockade's taking place. I have always understood that notices of blockade are given to foreign Ministers; such has been the case in relation to the blockades by France and England. In no other way could this Government have official knowledge of them. If the gentleman from New York admits the doctrine of blockade by proclamation, I for one cannot agree with him. I do not see how our trade can be carried on to the continent of Europe unless you do convoy—for our manners,

dress, and language, are so nearly similar to the English that they cannot be distinguished. Now the only way to make the character of our vessels undoubted, is to convoy them. Respecting the association of merchant vessels, I do not feel confident; it is putting it too much in the power of other people to declare war for you. If we are to have war, I wish to have some one responsible for it. The officer commanding the convoy is responsible to the Government, but captains of merchant vessels are not.

Sir, we have now arrived at a crisis when it behoves every man to come out in defence of his country's rights. No doubt our countrymen have had enough information on paper. You have for the last three years sent them 5,000 copies of resolutions and 5,000 copies of long and elaborate reports of committees and pamphlets of speeches. They are now perfectly acquainted with your foreign relations; they know and all the world knows and acknowledges that we have the best of the argument; but the people will not be satisfied unless you come out boldly and assert your rights in a dignified manner. They expect it from you. Several of the State Legislatures have patriotically expressed their sentiments to you on this subject, in language not to be misunderstood; while the Legislature of another State, within the sound of the cannon of Bunker's Hill, have expressed sentiments that were not to be expected from the cradle of our glorious Revolution.

Mr. TROUP remarked that this bill presented to consideration some very important and somewhat novel propositions. It proposed to occupy a ground essentially different from that heretofore taken by our Government. It was generally understood and generally acknowledged that the belligerent had a right to search neutral vessels, and the right had never been questioned by our Government. To afford further time for reflection on the subject, he moved that the Committee rise and report progress.

Mr. DANA said the gentleman from New York had stated that writers on the law of nations were no authority now, and that power constituted right. As the object of the bill was to maintain our maritime rights, he wished to know how much power was in the bill. How many public vessels and of what force did the bill provide? He asked this question, because if this bill was intended for an efficacious assertion of our right, to insure to us any respect, it must be something more than paper. How many frigates, fully equipped, officered and manned, how many ships of war, and how many subordinate vessels, were provided for in the bill? If it was to be merely a formal declaration, without any force, or with merely one or two vessels to carry it into effect, he considered it perfectly useless for mercantile protection, efficacious only for this purpose—that a battle might take place between one of our vessels and a vessel of one of the belligerents, and thus involve us in war. He had another question to ask about the collectors of the customs ascertaining property—whether it was sup-

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posed that the President of the United States, in prescribing regulations, was authorized to prescribe oaths, and inflict punishment for their violation? Mr. D. said he had another question to ask as respected instructions to be given to the officers of the navy—whether it was supposed that the President of the United States was authorized to give instructions to the commanders of armed vessels, so that their acts should be completely compulsory on the merchant vessels? and whether he could give such instructions that if the merchant vessels should not obey signals, the matter should be inquired into? And whether such disobedience was to be considered no offence?

Mr. EPPES said that before this subject should again come under discussion, he should take the gentleman's questions into consideration, and prepare himself to answer them—and he asked the gentleman from Connecticut to prepare to meet another question. In this House every attempt made to operate on the belligerents on land had been rejected as useless and dangerous; but the House had been told nevertheless that gentlemen were prepared to maintain the rights of the nation. He called upon the gentleman to prepare himself to answer when the question was fairly before the House, whether what had been said against resisting the belligerents in any way, was to be set down to the score of juggling imposture, or whether he would acknowledge that there was no way to defend the rights of this country?

Mr. DANA said he wished the gentleman, as he had promised, to take his inquiries into consideration. He wished that the gentleman, as chairman of the committee who reported the bill, would condescend to exercise his talents in prescribing a suitable system of regulations. The gentleman, if he had not made the inquiry, might also be led to inquire how many vessels the United States now had. As to himself, he believed it would be recollected that he had never claimed the honor or merit of responsibility for public measures, particularly when, in attempting to vindicate lock-jaw measures, it had been so frequently asserted that the majority only were responsible for public measures. This he was not willing to admit in its full extent. The gentleman from Virginia he believed, however, was not an advocate of the gag rule. Mr. D. was willing to give his opinion, when not asked for in an abrupt or improper manner. The adoption of any system must depend much on the views of the Executive and his friends, as its success must depend on the manner in which it is carried into execution. And, as to our foreign relations, if any measure tending to bring us into a collision with foreign Powers was to be adopted, it would be very satisfactory to his mind, first to have a view of the whole ground. And, on this subject, Mr. D. said, he was not assured to his satisfaction that he knew the full nature of our foreign relations, nor did he say that he ought to know them. There might be good reasons for not communicating the whole; for he imagined, on inspection of the correspondence with our Ministers which was communicated, it would be found that

the whole had not been laid before the House. Mr. D. said if he would offer a measure worthy the attention of the House, and could mature it in twenty-four hours, he really should not in a case of such difficulty present it on so short a consideration. He said he should hope that gentlemen, with the aid of the Executive knowledge, with all their various projects and with all the honors of empire, would not find themselves exhausted by the introduction of a simple project; but that they would be able to supply to it what was deficient and reject what was redundant.

Mr. EPPES said he had been induced to bring forward this measure, in order to see whether the Representatives of the nation could agree on any measure short of what he believed to be a naked surrender of its rights by repealing the non-intercourse act. If the bill was not perfect, he invited gentlemen to unite their talents, and examine whether the principle of the bill was that of resistance to the decrees which violate the law of nations and destroy the neutral commerce of the United States—if such was the principle, he called upon gentlemen to unite in rendering it effectual for the defence of our rights. If the bill in principle should prove totally incorrect, Mr. E. said he would take any other, gentlemen should think better. He was willing to pass in review every measure which could be suggested to defend our rights against the tyranny of Great Britain and France; and as we had withdrawn from the ocean for years, and failed in obtaining by negotiation a revocation of the Orders in Council, he was willing to try the only thing left, arming or interposition of force in some way to operate on the belligerents. Every attempt hitherto made to operate on these nations has failed; and when the bill is brought fairly under discussion, it will be difficult for gentlemen, who have recorded their names against submission, who have refused to operate against the belligerents in any manner by land, to oppose this bill. Mr. E. said he was against any measure which should drive the nation to a surrender of its rights; and, if there was only this mode left to maintain our own rights, he was for trying it. If driven from the ocean, he would be ready to act on land. There was no instance in the civilized world, in which a nation having a seacoast of eighteen hundred miles, a population of six millions of people, of whom six or eight hundred thousand were capable of bearing arms, ten hundred millions of capital, (more solid than bullion, because consisting in five hundred millions of acres of land, at two dollars an acre, daily increasing in value,) had submitted to the restrictions of another nation on its agriculture and lawful commerce. Much has been said at various times of the resources of other countries—what were they? Look at the papers laid before the British Parliament, said he; what do they prove? That everything capable of taxation is taxed. We have no internal taxation at all; the only tax is on our consumption of foreign products. We are often told that we have no resources; while I believe that there is not a nation on earth that has the same resources.

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Commercial Intercourse.

H. OF R.

Show me a nation that has ten hundred millions of bullion—and I aver that our capital is more valuable than so much bullion, because the bullion would be a dead capital, and our land is continually rising in value.

With the number and force of the public vessels of the United States, Mr. E. said, the gentleman from Connecticut was at least as well acquainted as he was. Their names and numbers had been repeatedly laid before the House during the present and late sessions. A bill was also before the House for fitting for service all our frigates. If Congress decided for taking any measure to defend the rights of the nation, he was for that bill. If the nation was to go into a naked surrender of its rights, the best course would be at once to burn the navy they were not able to use, and reduce the army which was of no service.

Mr. QUINCY observed, that if this bill was seriously meant to be passed, if it was not merely a newspaper measure, or party hocus pocus, not only its principle but its details must be rigidly examined. And he was therefore in favor of the Committee rising.

The Committee rose, yeas 74, and obtained leave to sit again.

COMMERCIAL INTERCOURSE.

A message was received from the Senate informing the House that they insisted on their amendments to the bill concerning commercial intercourse, &c.

Mr. LIVERMORE moved that the House should recede from their disagreement to the amendments.

Mr. W. ALSTON moved to insist on the former disagreement by this House to the Senate's amendments.

This motion took preference of Mr. LIVERMORE'S.

Mr. DANA was opposed to insisting. He was for concurring in all the amendments of the Senate except the last. One general reason for this being so was, that it seemed to be generally admitted that the existing system of non-intercourse was inoperative for any purpose of good; that it was subservient of fraud, and prejudicial to the fair trader only. The real question for the consideration of the House was, whether they would persevere in a system condemned by experience; whether they would persist in a measure acknowledged to be worse than useless? Some idea of preserving consistency might operate on the minds of some gentlemen; but, from whatever cause, the experiment having failed, why persevere in it?

Mr. LIVERMORE was also decidedly opposed to insisting on the disagreement. He used a number of arguments going to show that the non-intercourse was not now in force as to Great Britain. There could not now be a possibility of a doubt that this must be the construction of the law if ever it was brought before a court of the United States. This state of things, he said, called loudly for either a repeal or re-enactment of the non-intercourse law. He saw no use in persisting in

attempting to get the Senate into these commercial restrictions. Any other measures deemed proper by gentlemen might be deliberately and separately discussed; but there was an absolute necessity that this subject of the non-intercourse law should be immediately acted on.

Mr. PICKMAN, in allusion to a remark of Mr. FRISK'S some days ago, that Congress had been legislating for the merchants for five years past, observed that if they had legislated for the merchants, they had certainly legislated against commerce. The memorials of the merchants did not, he believed, contain any suggestion that Congress should pass a non-importation act on account of the spoliation of our commerce. On the contrary, he recollected that it was a matter of general surprise when that act passed. No merchants had suggested the embargo, for that measure had been passed suddenly on the suggestion of the late President of the United States. It was a measure which the merchants had conceived to have operated very injuriously on them. Mr. P. was against insisting. The sections which the Senate had stricken out, he said, were of very little importance. He did not consider the bill as amended, to be, as called by some gentlemen, submission. It interdicted, what he thought it ought to interdict, the entrance of our waters to the armed vessels of Great Britain and France, so long as they retained in force their unjust decrees. He should agree with the Senate in all their amendments, not excepting even that one objected to by Mr. DANA. He was willing that all armed vessels should be excluded from our ports by a permanent law, and that it should be a subject of treaty with any foreign Power what number of its armed vessels should be admitted at a time, and into what ports. It might be essential to the welfare of the country that such an arrangement should be adopted. He considered the bill as it came from the Senate more energetic than as it went from this House, because this feature was made permanent.

Mr. FRISK said that if the House were determined to abandon all resistance and leave commerce to skulk for itself, the best amendment to adopt would be that no vessel hereafter sailing from our ports should be permitted to hoist the American flag.

Mr. McKIM thought it was the duty of the House to insist; not that he was any great admirer of the bill as it went from this House, because he did not think it the best measure that could be adopted; nor that he was an admirer of the present non-intercourse, because he saw its inconveniences; but the amendments totally changed the principle of the bill and destroyed all the regulations intended as the expression of our disapprobation of the outrages on the nation—it left the bill a mere skeleton, perfect submission, a complete acquiescence in the wrongs done to us. Mr. McK. said, when he took a view of the evils under which we had suffered, and adverted to our injuries, he could not part with the non-intercourse bill, which held out at least a protest against those wrongs, until he saw some other arrangement to

cover the honor of the nation. His mind revolted at the idea of such degradation.

Mr. DANA said if the object of gentlemen was merely to protest, they might enter a protest on record, take it in the Quaker style, and say to each of the belligerents, "Friend, I do not like thy measures." When gentlemen talked about this bill being a system of commercial protection, they seemed to him to use terms in a signification different from their usual acceptance. It was something like liberty illustrated by committing an individual to close confinement. The protection afforded to commerce was that it should not exist. The experiment of operating on foreign nations by commercial restrictions had completely failed, and the non-intercourse was now but a *caput mortuum*—why should it longer be kept above ground?

Mr. MACON asked whether gentlemen were willing, after all that foreign nations had done to injure us, to have the vessels offending admitted into our ports. It was the decrees of France and Great Britain and not ourselves that had locked up our commerce. Weak as this bill, as it went from the House, was said to be, Mr. M. said he believed it to be a stronger measure than even the convoy bill. He said he should vote to insist; but he had rather adhere and let the bill be lost than give up the question. The question whether the non intercourse was or was not in force, he said, was a question solely for the judiciary. The Orders in Council were not merely a mercantile question, as had been said. If the merchants had more rights than other people, Mr. M. said he had yet to learn it. It was a question in which agriculturists were at least equally concerned with merchants. He said he was opposed to a conference with the Senate, as he could see no good to result from it. He had rather let the Senate adhere and the bill be lost.

Mr. SMILIE said, whatever disagreement existed between the two Houses, the Senate had treated this House with decency and asked a conference. He wished no blame to fall on this House for its conduct in this matter, and was therefore for meeting the Senate in conference.

Mr. TROUP remarked that gentlemen, in speaking of the bill as it went from this House, seemed to have forgotten the contents of that bill. It was spoken of as a bill full of resistance. If any such principle was contained in the bill, he had no recollection of it. If he recollected right, the part struck out proposed a direct commerce to the ports of the belligerents in our own vessels. Was this the principle of resistance? He had thought that last Winter non-intercourse was resistance. But it seemed that what was resistance then was submission now. If the Senate was disposed to resist in reality with cannon and ball, and therefore would not take the milk-and-water resistance of this bill, he did not feel disposed to blame them.

The question was then taken on insisting on the disagreement to the amendments of the Senate, and carried—yeas 73, nays 42, as follows:

YEAS—Lemuel J. Alston, Willis Alston, jr., William Anderson, David Bard, Burwell Bassett, William

W. Bibb, Adam Boyd, John Brown, William A. Burwell, William Butler, Joseph Calhoun, Matthew Clay, John Clopton, Howell Cobb, James Cochran, James Cox, William Crawford, Henry Crist, Richard Cutts, John Dawson, Joseph Desha, John W. Eppes, William Findley, Jonathan Fish, Meshack Franklin, Gideon Gardner, Thomas Gholsen, jun., Peterson Goodwyn, James Holland, Benjamin Howard, Jacob Hufty, Richard M. Johnson, Walter Jones, John Love, Aaron Lyle, Nathaniel Macon, Robert Marion, Samuel McKee, Alexander McKim, Pleasant M. Miller, Thomas Moore, Jeremiah Morrow, Gurdon S. Mumford, Roger Nelson, Thomas Newbold, Thomas Newton, John Nicholson, John Porter, Peter B. Porter, John Rea of Pennsylvania, John Rhea of Tennessee, Matthias Richards, John Roane, Erastus Root, Ebenezer Sage, Thos. Sammons, Ebenezer Seaver, Adam Seybert, Samuel Shaw, Daniel Sheffey, Dennis Smelt, John Smilie, George Smith, Samuel Smith, Henry Southard, Richard Stanford, John Taylor, John Thompson, Uri Tracy, Charles Turner, jr., Robert Whitehill, Richard Winn, and Robert Witherspoon.

NAYS—Daniel Blaisdell, John C. Chamberlain, William Chamberlin, Epaphroditus Champion, Martin Chittenden, Samuel W. Dana, William Ely, James Emott, David S. Garland, Thomas R. Gold, William Hale, Nathaniel A. Haven, Daniel Heister Jonathan H. Hubbard, Richard Jackson, jr., William Kennedy, Philip B. Key, Herman Knickerbacker, Joseph Lewis, jr., Edward St. Lee Livermore, Robert Le Roy Livingston, Vincent Matthews, Archibald McBryde, William Milnor, Jonathan O. Moseley, Joseph Pearson, Benjamin Pickman, jr., Timothy Pitkin, jr., Elisha R. Potter, Josiah Quincy, John Ross, John Stanley, Lewis B. Sturges, Jacob Swoope, Samuel Taggart, George M. Troup, Archibald Van Horn, Killian K. Van Rensselaer, Robert Weakley, Laban Wheaton, Ezekiel Whitman, and James Wilson.

On motion, a committee of conference was appointed, composed of Messrs. MACON, FISK, and CUTTS, to confer on the subject-matter of the bill with the committee appointed on the part of the Senate.

WEDNESDAY, March 7.

On motion of Mr. HUFTY,
Resolved, That a committee be appointed to inquire into the expediency of altering the times of holding the District Court of the United States for the district of New Jersey; and that they have leave to report by bill.

Ordered, That Mr. HUFTY, Mr. SEYBERT, and Mr. MATTHEWS, be appointed a committee pursuant to the said resolution.

Mr. SHEFFEY, from the committee appointed on the fifth instant, presented a bill providing the means to ascertain the title to the batture in front of the suburb St. Mary, in the city of New Orleans; which was read twice and committed to a Committee of the Whole on Monday next.

The House proceeded to consider the amendments of the Senate to the bill, entitled "An act to extend the time for locating Virginia military land warrants, and for returning the surveys thereon to the Secretary of the Department of War;" and the same being twice read were concurred in by the House.

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The bill sent from the Senate, entitled "An act for the relief of Charles Minifie," was read twice, and committed to the Committee of Claims.

TORPEDOES.

The bill from the Senate, entitled "An act making appropriation for the purpose of trying the practical use of the torpedo, or submarine explosion," was read the first time.

A motion was made by Mr. LIVERMORE, that the bill be rejected; and the question being taken thereon, it was determined in the negative—yeas 27, nays 76, as follows:

YEAS—Daniel Blaisdell, John Campbell, William Chamberlin, Epaphroditus Champion, Martin Chittenden, William Ely, Thomas R. Gold, William Hale, Jonathan H. Hubbard, Richard Jackson, jun., Philip B. Key, Herman Knickerbacker, Edward St. Loe Livermore, Archibald McBryce, Jonathan O. Mosceley, Joseph Pearson, Timothy Pitkin, jun., Elisha R. Potter, John Stanley, James Stevenson, Lewis B. Sturges, Jacob Swoop, Samuel Taggart, Killian K. Van Rensselaer, Laban Wheaton, Ezekiel Whitman, and James Wilson.

NAYS—Lemuel J. Alston, Willis Alston, jun., William Anderson, Ezekiel Bacon, David Bard, Burwell Bassett, William W. Bibb, Adam Boyd, Robert Brown, William A. Burwell, William Butler, Joseph Calhoun, Matthew Clay, John Clopton, Howell Cobb, James Cochran, James Cox, William Crawford, Henry Crist, Richard Cutts, John Dawson, Joseph Desha, William Findley, Jonathan Fisk, Meshack Franklin, Gideon Gardner, David S. Garland, Thomas Gholson, jun., Peterson Goodwyn, Edwin Gray, Daniel Heister, Benjamin Howard, Jacob Hufty, Richard M. Johnson, Wm. Kennedy, John Love, Aaron Lyle, Nathaniel Macon, Samuel McKee, Alexander McKim, Wm. Milnor, Thos. Moore, Gurdon S. Mumford, Roger Nelson, Thomas Newton, John Nicholson, John Porter, Peter B. Porter, John Rea of Pennsylvania, John Rea of Tennessee, Matthias Richards, John Roane, Erastus Root, John Ross, Ebenezer Sage, Lemuel Sawyer, Ebenezer Seaver, Adam Seybert, Samuel Shaw, Daniel Shaffey, Dennis Smelt, John Smilie, George Smith, Samuel Smith, Henry Southard, Richard Stanford, John Taylor, John Thompson, George M. Troup, Charles Turner, jun., Archibald Van Horn, Robert Weakley, Robert Whitehill, Richard Winn, and Robert Wither-spoun.

The bill was then read the second time, and committed to a Committee of the whole on Monday next.

DETACHMENT OF MILITIA.

The House again resolved itself into a Committee of the Whole on the bill authorizing a detachment of the militia of the United States.

Mr. VAN HORN's motion to strike out the words "beyond sea," from that part of the bill which provides that the volunteers shall be liable to serve "not beyond sea without the jurisdiction of the United States," being under consideration—

Mr. ROOR said it appeared to him that gentlemen in favor of this motion were alarmed without cause. The effect of the motion, should it prevail, would be to embarrass every military operation of the Government whenever it was

necessary to call these forces into action. I presume, said Mr. R., that the gentleman who made the motion feels a doubt that this provision would contravene the principles of the Constitution. The Constitution authorizes the President to call out the militia for certain purposes, and as to the question whether the President may call the militia out of the jurisdiction of the United States, the Constitution is perfectly silent. I would ask gentlemen whether that provision which authorizes calling forth the militia to repel invasion does not, of necessity, give a power to call them further than the jurisdictional limits of the United States? Whether it be not necessary, in carrying this power into execution, to call the militia beyond our jurisdictional limits? Could it ever have been contemplated that the President might call forth the militia to repel invasion, and that, as soon as they arrived at the line, they were to fold up their arms, and either retreat or wait to be shot at by an invading foe? This never could have been the intention of the framers of the Constitution. But is there not another clause which really delegates the power to send the militia of the United States out of the jurisdiction of the United States? I allude to that clause which authorizes Congress to provide for the common defence and general welfare. I ask, sir, whether it would not be essentially necessary to the public welfare to pursue an invading foe across the line, and capture him if they could beyond the jurisdiction of the United States? But, even were the absurd doctrine to be admitted that the militia cannot be called beyond our jurisdictional limits, I ask whether this bill contains anything unconstitutional? The gentleman from North Carolina, (Mr. MACON,) on a former day, asked of what character these troops were to be. If the gentleman pleases, they partake of both characters—of militia and regulars—are of one character to day and another to-morrow. They act on both sides; and still I hope they will have the character of very honest men. They are militia till they receive the orders of the President, and that moment they are converted into regular forces, because, by the very tenor of their engagement, they are, as soon as called into service, to be subject to the rules and articles of war, on the same footing as other forces, and may be called out of the United States. If there was a clause in the Constitution inhibiting the calling the militia out of the United States, a force organized in the way proposed by the bill would certainly be liable to be called out of the United States. The persons composing it cannot complain of the infraction of their rights, because they will have voluntarily engaged to go out of the Union. As well may the marines complain of their Constitutional privileges being invaded by their being carried beyond sea, when their enlistment implies a liability to be carried beyond sea. So with a military force; they know when engaged that they are liable to be carried beyond the jurisdiction of the United States. These volunteers will engage with the same knowledge.

But the gentleman on my right (Mr. VAN

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HORN) seemed to feel alarm because it looked something like a war measure to authorize these troops to be called out of the jurisdiction of the United States. Sir, is there anything more warlike in this bill than in the first bill organizing the militia? I do not, to be sure, think that war is apparently so remote as it was when the militia were first organized. But every step you take to organize the militia, shows that you wish to be in a state of preparation for events. So far only this bill goes. The President of the United States thinks that we are in such a critical situation that it is necessary to provide for our defence. He, therefore, has recommended the raising a military force, not that we are actually ready for war, but that it is probable, and it is essential for our safety to provide for it. For what object would you prepare to go to war without giving the President the means of repelling a warlike foe? If we should be involved in a war with Great Britain, it is probable that some of these troops may be called into Canada. If we must go to war, do gentlemen wish our hands to be tied up so that we cannot act? Do gentlemen desire that our military force should be precluded from marching across the line to attack the foe? A strange warfare this! To go to war, but so to tie our hands that we cannot reach the foe. This might be a safe sort of warfare, but I imagine not a very honorable one. The friends of the bill, I presume, wish that, whenever called into service, the President may direct the volunteers, without restraint, to such places of operations as to him may appear proper; that we may have the power of attacking the foe in his own dominions, rather than folding our arms and waiting his approach. If our force was thus restricted in its operations, there would be no occasion for forces of any kind except immediately along the seacoast. No one supposes that we shall be liable to invasion other than by predatory incursions. We must be the invading power if we have a contest on our Northern, Southern, or Western frontier. An European foe will never invade us through her colonies, but more directly, if at all.

Mr. R. concluded by observing that he saw nothing unconstitutional in this provision; and feeling that it was essentially necessary to give this power to the President, if they gave him any power at all, he was decidedly against striking out these words.

Mr. VAN HORN said, that having made this motion, and not being at all satisfied by the arguments of the gentleman from New York against it, he should detain the Committee a few minutes while he attempted to reply to his observations. The gentleman has said, observed Mr. V. H., that those who advocate the amendment are alarmed without cause. Sir, if I had no other cause of alarm, the speech made by the gentleman is sufficient to alarm me. I am always alarmed at this war-talk. I regret that gentlemen should talk so much about invading Canada; that they should say that a state of war is near at hand, because all this talk has a prejudicial effect on my constituents. If the people of this coun-

try are to be alarmed from day to-day by war speeches, being bewildered by this means, not knowing what to do or what to expect, it is a state of uncertainty worse than war.

The gentleman asks whether the part of the Constitution which authorizes the calling out the militia to repel invasion, does not authorize the marching the militia out of the United States. If it does so, sir, why not let the authority for so doing rest on the construction? Why provide by law that a thing may be done which the Constitution authorizes to be done without the intervention of law? This would be an act of supererogation, and for that reason I would not make a provision in this law that the President might march the militia out of the United States.

The gentleman has attempted to deduce a power from that part of the Constitution which declares one object of it to be, among others, "to provide for the common defence, promote the general welfare," &c. Young as I am, sir, I recollect very well when doctrine such as this was not deemed very republican. If he relies on that article of the Constitution for a justification of the terms of this bill, there is no power which he can ask or conceive that these words will not justify. These words are only the title to the Constitution. Authority to do any act must be found in the body of the Constitution, and if not found there, does not exist; and what do we find there? That Congress shall have power "to provide for calling out the militia to execute the laws of the Union, suppress insurrections, and repel invasions." The gentleman says that invasion is not to be expected; that, in case of war, the United States must be the invading foe. I say, then, that the Constitution does not authorize this House to pass a law for calling forth the militia for any such purpose as invading a foreign territory. We have no power to call them out in any other way than the Constitution provides, and therefore have no power to call them out as provided by this bill as it now stands. This doctrine, for which I contend, is said to be very absurd. I can find in the body of this bill, as well as in the title, that this force is called militia. "And be it enacted, that the militia draughted, or who shall volunteer," &c. This certainly does convey the idea of their being militia, and the militia cannot be sent out of the United States.

The gentleman has said that this body are militia till they receive the orders of the President; when called out by the President, that they become regulars. I consider them as regulars, then. Does the Constitution of the United States authorize the Governors of the several States to officer the regulars? No, sir; yet the bill does provide that these regulars or volunteers are to be officered by the State authorities. Then, I ask gentlemen to show, in the Constitution of the United States, any authority for the State Governments to officer regular troops. Prescribing the powers of the President of the United States, I find in the Constitution these words: "He shall nominate, and by and with the advice and consent of the Senate, shall appoint Ambassadors,"

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&c., "and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law." There is no authority given to Congress to vest in the State authorities the power of appointing officers for the regular forces. So that, if these persons become regulars by being called into service, the President, and not the State authorities, must appoint the officers.

The gentleman says that my doctrine is, that when the militia have pursued an invading foe, and arrived at the line, they must there stop. That, sir, is not my understanding of the Constitution. If we are invaded, and the militia are ordered to repel the foe, it is my construction that they have a right to follow them across the line. But there must be an invasion before the line could be crossed to repel it. This, sir, is not the way in which I wish to see the country defended.

I came from a district bordered on one side by the Chesapeake, and on the other by the Potomac. The militia in Maryland are not armed; they are in the same situation in several other States; and, if we do go to war, I anticipate nothing more than predatory incursions of the enemy for the purpose of plundering the inhabitants, and off they will go. This species of force can never defend the country from such attacks. If the million of dollars appropriated by this bill were to be expended in muskets, and those put in the hands of the freemen of the country, they would protect themselves. This is the only defence on which we can rely. This bill is calculated to absorb the very means by which the militia can be armed. I wish this money to be laid out in purchasing arms to be put into the hands of the freemen of the country, who will defend themselves. They want no troops to be metamorphosed into regulars by the mere order of the President. I voted for the proposition to amend the bill by allowing a sum of money, the value of a musket, to those already armed. I thought it reasonable, and I here state that I think that every individual who has been compelled to arm himself, when a proposition is carried to arm the whole body of the militia should receive the full price for his muskets if in serviceable order, and that every State which has put arms in the hands of the militia should receive the value of those muskets. The gentlemen from the Eastern States cannot vote that the people of the Southern States should be armed out of the arsenal of the United States, when they had armed themselves at their own expense. I expect no such thing of them.

Unless some gentleman can show me some part of the Constitution other than the preamble which authorizes marching the militia out of the United States, I must vote for striking out the words "beyond sea," and then I shall have no objection to that part of the bill on Constitutional grounds. If there be a Constitutional power in the President to order out the militia beyond the jurisdiction of the United States, there can be no occasion for passing this bill; if the President

has no such power by the Constitution, we cannot give it to him by law.

Mr. Bacon said he agreed with the gentleman from Maryland, that the ordinary militia, when draughted, could not, without their consent, be called out of the United States. This position he was not disposed to controvert; but what is the reason on which this principle is founded? He conceived it was this, that no free citizen of the country can be transported without the limits of the United States against his consent, except as a punishment for some crime. If it could be done, even the practice of impressment would become legal. This is the reason why militia-men draughted in the ordinary way cannot be forced beyond our jurisdiction. But is this the case where a man enters into service voluntarily, and does express his free consent to go out of the limits of the United States whenever his services shall be required? If a man enters into the service of his country under a voluntary engagement, to serve in a particular way, is there any tyranny in employing him in that service? I think not. It is agreed on all hands, I believe, that when the militia are called out to repel an invasion, and pursue an enemy to the line, they may, with their consent, be conducted over the line, further to annoy the enemy. Whether they could be forced to go over, without their consent, it is not necessary at present to determine. But gentlemen will agree that they may repel invasion, and that, in doing that, if they consent to go over the line for the purpose of subduing and capturing the enemy, they would have a right to conduct and direct their operations. Does it make a difference in principle whether this consent be given at the moment the service is required, or whether it be given previously by the terms of the engagement? If a body of militia, pursuing an invading enemy, might, with their consent, be conducted beyond the limits of the United States, I see no reason why this same body, engaging in express terms to serve on that condition, may not be ordered on such service. I see nothing unconstitutional, dangerous, or unreasonable in the principle. I do not conceive that these volunteers are regular troops in the service of the United States; because if they were, as the gentleman observes, they must be officered by the General Government. I consider them as a volunteer detachment of militia, serving under certain known stipulated terms; that the militiaman has a right to engage to enter into service upon those terms, and that you have a right to call him into the service according to his engagement. The only part objected to is, that the volunteers may be called without the jurisdiction of the United States. This cannot be objectionable, if it be fairly understood at the time of engagement. And there is no part of the Constitution which prohibits a thing of the kind any more than there is to prohibit a man who engages in the service of the United States as a marine from being put on board a vessel. He is not and cannot be impressed and forced on board, but engages and goes with his consent. I am no

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military man, and have attended but little to the details of the bill; but, on these general Constitutional questions, I thought it my duty to express my opinion.

The gentleman from Maryland is extremely alarmed at war speeches, and fancies he smells something of war in this bill. I am not, sir, in the habit of making such speeches; but gentlemen are to consider that it is not by avoiding talking about war that we can avoid war itself. The gentleman ought not to be alarmed when he hears other gentlemen speak of the possibility of war. It will not happen merely because it is talked of, nor shall we be sure of averting it because we choose to shut our eyes against it. My opinion is, that it is time we should be prepared for it. The gentleman appears desirous of accommodating his Eastern brethren with a reason for voting against the bill, because it goes to arm a part of the militia—their militia, as he says, having already armed themselves. He, therefore, seems to intimate that our constituents will not justify us in making such a disposition of the means of national defence. It is to be hoped that the Representatives of the people in that quarter of the Union have at all times a proper deference for the opinion of their constituents, even though we should not suffer their ghosts to be continually haunting our imagination on every great national question; at any rate these are questions which we will undertake to settle with our constituents for ourselves.

Mr. GOLD said that the distinction which the gentleman from Massachusetts had taken between volunteers and draughted militia was more ingenious than solid. On referring to the Constitution, not only was no such distinction to be found, but, when the source whence the officers of militia derived their commissions was considered, it was very evident no such force was contemplated by the Constitution. There may, said Mr. G., be ingenuity in the suggestion, that voluntary consent obviates the objection to sending the militia out of the United States. But when it is considered that this construction of the Constitution involves the question to what extent the militia may be employed out of the country, I apprehend there are great objections to it. This question does not depend on the consent of individuals engaging, but on a great question as respects the delegation of authority from the people to the United States. The States, also, are parties to it. I apprehend the Governors of States will hesitate; nay, that they will refuse to commission a corps which is to be carried beyond the jurisdiction of the United States; that the Governors will not be influenced by a reference to the individual consent of those composing the corps, but assume a broader ground, and first ascertain that the militia are to be called on merely to repel invasion, in which case only can the militia enter a foreign territory; that ground cannot be varied in any manner by a contract with the individuals enlisted.

But this discussion presents a broader view. What is the great object of the bill? Is it to in-

vade Canada, or to draw out the militia to do the ordinary duties defined by the Constitution? If it be to invade Canada, how very unwisely are we acting! Is it known that there will be volunteers enough for this purpose? How is it to be performed? Are gentlemen to introduce a bill upon this contingency, that if volunteers enough are obtained, they will do a certain act, and, if not, that they will not? Such a course does not mark that wisdom which ought to govern a body like this. The discussion takes a course which convinces me that some great object ought to be stated by those who support this bill. When a law provides for calling out the militia, as the Constitution provides, I understand it; but when it is not limited as to the service in which they may be employed, these volunteers may be used for anything. If the object of gentlemen be operations beyond the jurisdiction of the United States, a question is presented for the exercise of the authority of the United States, which by the Constitution has cognizance of our foreign relations, and a question which has no particular relation to the militia. If it be thought proper that that Government, which has the cognizance of our foreign relations, should take the course which the Constitution contemplates, this is not a proper bill. If we look back to the discussions on the Constitution, it will be found that it was objected to it, that under it the militia could be carried even from one part of the Union to another. These objections were fully considered and answered by a series of publications, in which the present Chief Magistrate took part, under the signature of "Publius," or "A Federalist." But it was never dreamed, in any quarter, that the militia could be carried beyond the limits of the United States, as contemplated by the bill.

It may be easy, sir, to obtain volunteers. An army of thousands of volunteers might be found to march into South America; but it would give alarm, and just alarm, to the States interested. They would have occasion to be alarmed if their citizens were liable to be drawn off in any numbers whatever, under the designation of militia, to perform the duty of the regular Army of the United States. Mr. G. said he thought it highly necessary that the militia should not be called on, like soldiers of princes, to go to any extent for any object, but that the object should be stated. When these appeals were made without object, they unnerved the public mind, and rendered them insensible to future appeals, whether founded or not.

Mr. KEY said, that nothing would have induced him to trouble the House on this occasion but a firm conviction that some of the provisions of the bill were utterly inconsistent with the Constitution. He said he would endeavor to show, from the Constitution, that no idea did exist of any power to order the militia out of the jurisdiction of the United States in that capacity. If the force contemplated by the bill be not militia, and go out of the United States, they are a provisional army, and cannot, in that capacity, act under officers deriving their commissions from

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the several States. I admit that gentlemen have what they believe an honorable and fair object in view. They wish to have a provisional army prepared to make an invasion of Canada, in the event of a war with England. If that be the object, we ought first to see what this body of men is; for it appears to be a nondescript, unknown to the Constitution.

The object of the association of these several independent States is distinctly enumerated in the preamble to the Constitution: "We the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution." Every Government which is organized, however pacific, and honorable, and fair, in the course of its conduct, may be involved in war through the instrumentality of other nations more regardless of justice. Hence, the Constitution speaks of two classes of men of the military description, in opposition one to the other. Congress has power to declare war, to raise and support armies, to provide and maintain a Navy, (because the war may be a naval one.) and to make rules for the government and regulation of the land and naval forces. We were, also, to have another body of men called the militia, formed of the yeomanry of the country, commissioned by the several States, of whose independence it is the best guarantee. The latter was for enforcing the laws and securing domestic tranquillity, and the former to march out of the United States, if necessary.

It is impossible to read the three specific objects to which the militia were to be applied, without feeling a conviction that they were never contemplated to march out of the Union. We are to provide for calling out the militia for three purposes. 1. To execute the laws of the Union. Where do they extend? As our laws do not extend beyond our jurisdiction, the execution of the laws by the militia must be limited to that jurisdiction where alone the laws can extend. 2. To suppress insurrection. We all know that insurrection means resistance to the authority of the laws of the country within its jurisdiction. Hence the second object is one which, of necessity, is limited to the jurisdiction of the United States. 3. To repel invasion. Invasion means hostile force, coming against our consent within our jurisdictional limits. Take the three separate clauses, and in the examination of each of them you will find them precisely limited to the jurisdictional extent of our country.

But it is said that if the militia are to repel invasion, they may pursue the enemy over the line. True; but is that the object contemplated by this bill? Certainly not; and the whole argument in support of it is drawn from an extreme case. Arguments from that source cannot authorize the passage of the bill. It is not a sound argument, because, in a particular state of things, it might be possible for the militia to cross the line, that, therefore, the militia, such a state of things not

existing, might be taken there. If you can take them five months beyond the jurisdiction of the United States, you may, on the same principle, take them five years.

But, say gentlemen, they consent to go; and, therefore, this corps is called a detachment of militia, volunteering or consenting to go out of the jurisdiction of the United States. Take off this cloak, sir, and let us see the body naked and clear of embellishment. Engagement is enlistment. When any one has signed an engagement, it is as complete an enlistment as if the recruiting sergeant, at the drum-head, had paid the bounty for actual enlistment in the regular Army. If you want a provisional army, I believe that the patriotism and youth of the country will volunteer for these purposes. But, when they do, under the Constitution, they cannot be commissioned by the Executives of the several States. They are enlisted for the service of the United States out of the limits of the United States. Having been enlisted to serve out of the United States, they cannot be commissioned by the States. Why were the Executives of the several States authorized to commission the militia? For this best of all possible reasons. That the officers not being appointed by the United States, it would never be an object with them to overthrow the State Governments. The militia is the basis of their security, the guarantee of their independence; and, therefore, the militia are to be officered by the State Executives, and not by the Executive of the United States. The militia, for the purposes expressed in the Constitution, may be put under the authority of the Executive of the United States, but under the command of State officers.

But it is said that these persons are not enlisted. They are "engaged" to serve nine months after they arrive at the place of destination, and may be ordered out of the United States. Are not these persons, then, a provisional army? You give to the States the power to appoint officers of a body of men, which is to serve out of the United States. By what clause in the Constitution can you give such power to the State Executives? The moment they get to the place of enlistment they are an army in the service of the United States; and, by the Constitution, all officers in the service of the United States must be appointed by the Executive of the United States. I declare I never was more convinced of anything than that this body of men cease to be militia immediately on their signing the engagement. Suppose a sergeant in the regular army be sent to raise ten men, they are militia before they are raised; but when enlisted in the service of the United States they cannot be militiamen. Whoever accepts an enlistment, or volunteers his services for nine months out of the States or the United States, under the Commander-in-Chief of the United States, ceases to be a militiaman for those nine months, and therefore cannot be governed by officers commissioned by the State authority. There can, under the Constitution, be but two bodies of a military description—the

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militia and the army—there can be no intermediate force. If these persons are to serve out of the United States, they cease to be militia, and, becoming a regular army, they cannot be commanded by officers commissioned by the Executives of the States.

Mr. LYON said, we can have, sir, but two kinds of land force which are known in the Constitution—the regular Army and the militia; yet, in Mr. Adams's Presidency, when the nation was to be hurried into a war with France, a new kind of force was invented. I mean the volunteer Presidential militia; they were called militia, because their advocates would not have them be regulars. They were armed and commissioned by the General Government like regulars. The well known object of this force was to awe the Republicans who were opposed to Mr. Adams's war. We saw the unconstitutionality and the turpitude of the measure; we made a great deal of noise about it; with republicans, the force and its manner of organization became extremely unpopular. It seems that the war seeking patriots of the present day are anxious, by some means or other, to have a force raised to answer their purpose. It has been customary to pass laws for calling eighty or a hundred thousand militia, to be in readiness to march for the defence of the country in case of invasion. Such a law is now universally consented to; but, under the subterfuge of such a law, gentlemen who are set upon having a war, have introduced a mode of raising a force with all the Constitutional objections against which Mr. Adams's volunteers had, save that they are to be commissioned by the State authorities. They are neither regulars nor Constitutional militia; they have pay or bounty from the United States; the chief officers are to be selected by the President; and they are to be put into the hands of the President, who is authorized to march them out of the United States to make the war gentlemen are so eager to have commenced. With all the caution taken to avoid the unpopularity of Mr. Adams's unconstitutional force, the abettors of this project will find that they cannot escape the odium such unconstitutional projects deserve. The power of declaring war is lodged in the Congress of the United States; and are gentlemen thus going to delegate that sacred right which involves the duty of the most serious deliberation? The doctrine, that authorizing the President to do a thing, and directing him to do that thing, is substantially the same, has often been advocated on this floor, and I believe no one can tell which way the question has been decided. Taking it for granted that the manner of expression makes no difference, if this bill passes, it will be the duty of the President to make the war so much wished for. And how do we know, having given this power, that the President, on his being told, in a thousand ways, that such was the intent of Congress, and he being prompted to do the thing he is empowered to do, that he will not commence that war? Why this sly, this covert way of getting the consent of the majority here to commence a war? Is it because

that an open and manly proposition to raise a Constitutional force to take Canada would not meet with approbation? It must be because gentlemen think they can get the majority to come to that precipice by inches, and then brave it, the sight of which would, on an unprepared view, shock them too much to attempt it. No man can be more anxious than myself to put the nation in the best possible posture of defence in all points. Under this impression, I wish most fervently that gentlemen would arm the whole body of the militia, and would turn their attention to the improvement of the militia system on a permanent scale. These twenty years have I been advocating the classification of our militia in such a manner that there would be a select corps of our sons, and their sons always disciplined, armed, accoutred, acquainted with camp duty, and ready to march to any part of the nation in defence of their rights and liberties, and those of their brethren. If the war gentlemen are urging is as popular as they would fain represent it, why so sly, so backward, in coming out with their whole plan? For myself, I cannot but think the American people see that the contest is to be for the ocean; that an attack on Canada will expose our seaports to plunder and depredation. What will the Western people say to the attack on Canada which will be an instant pretext for the British blocking up the mouth of the Mississippi and at one stroke destroying the value of the whole of their surplus produce? For my part, I cannot keep my eye from the mouth of that river.

Mr. ROSS said it was certainly true, as the gentleman from Kentucky observed, that no man knows himself how he would act in a new situation. Hence gentlemen, formerly in the majority, did not foresee that when in a minority they would oppose every measure for the support of Government, and the minority were not aware that when they became the majority they would have to adopt measures to carry it on. And although the gentleman from Kentucky (Mr. LYON) adhered to his old system of finding fault with everything, his friends had found that they must adopt measures to support Government, and this was the true reason of the difference between the gentleman and those with whom he formerly acted.

It has been objected to the system embraced by this bill, said Mr. R., that the detachment purports to be militia, and yet may be called beyond the jurisdiction of the United States. It is alleged that the militia can only be called out for one of these three things—to execute the laws of the United States, to suppress insurrection, and repel invasion, and that it is therefore unconstitutional to call them out beyond the jurisdiction of the United States. Now, sir, it is perfectly clear to my mind that there is a variety of kinds of invasion. There may be an invasion of the rights of the United States, and an invasion of territory by actual entry into it. The jurisdictional line being imaginary, a fortification might be erected beyond our jurisdiction, within forty

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or fifty yards of the line, so as to invade our territory and destroy the exercise of the rights of a portion of the people of the United States. Their cannon would range beyond the line, and this would be such an invasion as the militia might be called out to repel, even according to the narrow definition the gentleman from Maryland has made. An invasion might be made without actually entering into our territory, and to repel that invasion our militia might be required to march fifty yards beyond the line. If they could, for this purpose, be marched fifty yards, they could be marched a greater distance.

It has been said, however, that this force is not militia but volunteers; that in fact the volunteers are enlisted soldiers, because the moment they subscribe the engagement, they are enlisted to serve for nine months after they arrive at the place of destination. What does this prove? Why, that, if gentlemen are correct, there is no occasion for this amendment. But, say gentlemen, this enlistment differs from all others, because the corps is to be officered by the Executives of the States. That is an objection to that part of the bill, and gentlemen may move an amendment. But the gentlemen from their own showing have proved that there is no occasion for such an amendment.

We wish to raise a particular force to meet the exigencies of affairs in such a way that it shall not be a moth in the finances, and yet in such a way that it may be effectual when it is requisite to call it into action. It steers clear of the expensive system of 1798, because that was a continual eating up of the wealth of the Treasury before any actual use for the military thus raised. Whilst raising, therefore, to be of service, it is necessary that it should be authorized to act in such a way that it may be efficient; that it may not be placed in the situation of Epaminondas. Athens was a jealous democracy, and would not trust a citizen with a commission for more than three or six months. Epaminondas was invested with a commission, he repulsed the Lacedemonians, pursued them to the gates of Sparta; when he arrived there, his commission expired. The question with him was, whether he should retreat and give up his advantage, or pursue the victory till he conquered the enemy. He did not hesitate to continue his successes till he conquered them. For this act he was put upon his defence for his life; but the Athenians, with all their jealousy, were too well satisfied with the propriety of his conduct to convict him of the offence. The object of the clause of the bill proposed to be amended is to meet precisely such a state of things; to meet a case which has happened in one Republic and may happen in another.

As respects these officers being commissioned by the Executive of the several States, I see no danger to be apprehended to the rights and sovereignties of the States by leaving to them this power. If this body be militia engaged for nine months, to come into action under certain circumstances, surely the reservation of the right of commissioning those officers to the Executives

of the several States cannot be calculated to injure their rights. If it be not a militia, but a regular army, is there anything in the Constitution of the United States which prohibits the Government of the United States from permitting the Governor of the States to commission such inferior officers? If there be, I am not aware of it. There is nothing in this provision to excite the jealousy of the different States, whereas, if the United States had undertaken to commission these officers, there might have been something to excite jealousy.

Viewing this subject in every light, I see no reason to adopt the amendment unless to impede the Administration of the Government and prevent it from acting efficiently if necessary to act at all, to trammel them with limitations and restrictions which no way comport with the defence of the country. Unless this be the object, I can see no reason why the amendment should be adopted.

Mr. LYON said, I am charged, sir, by the gentleman from Pennsylvania—with what? With always being opposed to measures, calculated, in his view, for the defence of the national honor—with being consistent in one thing—in opposition. Very heavy charges; but I believe no one will charge me with being Vicar of Bray, veering round to keep well with the party in power. Some gentlemen, who were great favorites of Mr. Adams and his measures, so detested by the Republicans, have, it seems, found an easy road to the station where they can become the eulogists of those now in power—men they formerly despised; that is not my case—measures not men are my object. I joined with the Republicans in opposition to John Adams, in his monarchical, aristocratical views and war projects, and I was frequently in the minority. As long as the Republican majority adhered to their principles, I was in the majority with them. Knowing that man is but man, and that power often makes men mad, I am not much surprised to find myself in the minority at times now-a-days. As to the bill before the Committee, the gentleman from Pennsylvania calls it a system. I call it an expedient, and a miserable expedient, too. I am opposed to it, and I have the consolation of having had with me all the Republicans, in and out of Congress, opposed to a similar miserable expedient, twelve years ago, and now having the Representatives of those who projected the former folly agreeing with me in opposition to this expedient. Who has greater right to pride of opinion? When Republicans shall, with the good old doctrines of 1798, be in the majority, if I live to see it, I shall have the pleasure of being in the majority again.

Mr. FISK.—Mr. Chairman, I cannot but admire the zeal with which the gentlemen on the other side of the House (Mr. GOLD and Mr. KEY) have manifested their regard for the Constitution, so justly termed the ark of our political safety. And I assure gentlemen that I will unite with them to preserve inviolate this great charter of American liberty. I will be among the last to vote for any law which shall infringe the Con-

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stitution. But, sir, I do not understand this new system of military tactics, by which these troops are attacked. An attempt is made to confine them to the United States, by striking out the words "beyond sea," because it is said it would be unconstitutional to suffer them to be ordered on any service out of the jurisdiction of the United States. But, when gentlemen urge this objection, they seem to forget the provisions of this bill, and disregard the character of these troops. They are called militia. That it would be unconstitutional to order the militia, as such, out of the United States, is not denied; that question does not present itself for discussion upon this occasion.

It will be observed, that there are two descriptions of soldiers contemplated by this bill. Militiamen, who are to be draughted and organized according to the existing militia laws, and are not required to do military duty at any place out of the United States; and volunteers, who are to sign an engagement to serve according to the provisions of this act. This, sir, is the difference between the troops to be detached under this bill. Will any gentleman pretend that it is unconstitutional for any citizen to enter into a contract, not prohibited by the Constitution, or the laws of the land? I presume not. Nor can it be pretended that the Constitution prohibits a citizen of the United States from entering into an engagement to perform military duty, and to serve his country, out of the jurisdiction of the United States. For it will not be denied but Congress have power to pass a law to raise an army, which army, when raised, may be ordered on an expedition to Canada, or elsewhere, out of the United States. And how is this army to be raised? By the voluntary enlistment of the soldiers. Well, sir, if it be competent for us to command the services of the soldiers, in consequence of their voluntary enlistment, it follows that we have power to command the services of those who volunteer, and subscribe an engagement, to serve at any "place not beyond sea, and out of the jurisdiction of the United States." This, sir, is too obvious to require further elucidation. I therefore, sir, cannot perceive that there is any force in the objection to the words "beyond sea," and hope they will not be struck out.

But it is said that these troops, when detached, partake of the character of regular troops. This is true, as regards the volunteers, and I like the bill the better for this provision. Because, when organized, although they may be called into the service, and be liable to do duty as regular troops, they are not entitled to receive pay, until they are called into actual service. This is a great and valuable improvement in our military system. Heretofore, when an army has been raised, they have been under pay from the time of their enlistment until discharged. And millions have been thus expended for armies, without receiving the benefit of any actual service. I need not instance any other than the famous provisional army of 1798.

Another important improvement in our mili-

tary system, is to be seen in this bill. The officers, as well of the volunteers as of those who are draughted, are to be appointed by the Executives of the several States and Territories. By this arrangement you will be likely to have more satisfactory appointments than can be made by the Executive of the United States. Besides, this exercise of power in creating officers, is, at least, as congenial to the Republican principles of the Constitution as to delegate it to the President. It goes far to obviate the great objections to the employment or organization of a military force, that standing forces are dangerous to liberty. But these 100,000 men, instead of being enlisted in one part or in any part of the country, are to be duly apportioned and detached from every part. Thus each and every part of the nation will have an equal portion of its citizens employed in this army. They will retain their patriotic principles and their State or local attachments. An army thus constituted is certainly as free from the objection urged against armies in free Governments as any army that can be organized.

I did not rise to detain the Committee with any lengthy remarks, and will only add, that I view this bill as preferable to any that has ever found a place in our statute books, upon the subject to which it relates. It has my cordial approbation.

Mr. SOUTHWARD said that he would not have troubled the House on this subject, but that he believed the bill to be one of the best bills ever presented to them. He had not been able to feel the force of the Constitutional objections, having always understood that any compact not forbidden by the Constitution was Constitutional. There is, said he, a clear distinction made in the bill, between those militia who are draughted and those who enter into service by voluntary engagement. The distinction is marked in every section. For this reason, I am of opinion that there is no soundness in the Constitutional objection to that part of the bill which is proposed to be amended.

I am no friend to war, or to war speeches; but I am a friend to being prepared to meet war in any form in which it may present itself, whether by land or sea; whether in the shape of an invasion from Canada and Nova Scotia, or an attack from sea, I would be prepared to meet it. What is now the situation of our country? Does not war threaten us from every side? And, should we be assailed by sea, should our cities be bombarded by the British or French, would it not be proper to be prepared not only to repel the enemy but to pursue them? Not only would I repel them, sir, but, in such case, I would annex the neighboring territories to the United States. I have no idea of concealing my object.

The gentleman from Maryland (Mr. VAN HORN) talks about arming the militia. He says, if we have war it will be a predatory war. True, sir; and where are our arms? Will you, in such case, send to Harper's Ferry or to Springfield for them? Into whose hands do we propose to put these arms? Not into the hands of a standing

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army, to become dangerous to the liberties of the country; not into the hands of an army which may overturn our Constitution, but into the hands of the yeomanry of the country—this very militia, who are always prepared to defend its rights. These are the men contemplated by the bill.

A gentleman from New York (Mr. GOLD) asks for what purpose these men are to be engaged? I answer, generally, for the great purposes for which these United States were associated, and entered into compact, and for the great purposes which the preamble to the Constitution points out—for our protection and defence, not only internal but external. Not only, for these general purposes, am I in favor of the bill, but for these special purposes: That your citizens may be armed, and the militia prepared to meet any enemy; that they may be improved in military exercise, and, at a cheap rate, become somewhat acquainted with camp duty. This system will produce officers who will take a pride in improving themselves in military discipline. Every one who has ever been in war, or who has read history, will agree with me that this is a very important point. If we pass this bill, we shall certainly see a body of well trained militia of a proper age and spirit, and shall no longer remain in this defenceless state, of which we are daily told. Gentlemen called out to command in this corps, will gird on their swords with pride, and feel like officers. If they enter for two years, they will do it again, will become perfect in discipline and will be a bulwark for their country, and the best defence possible to oppose to an enemy.

Some gentlemen have required those who are friends to the bill, to tell what they mean by it. My object, and I wish not to conceal it, is to protect and defend this country against predatory war, or invasion, which may take place from Canada—for I saw much of a war speech the other day from the Governor of that Province. Are we to shrink now? To yield to these cowardly insinuations, and let a few Canadians make an invasion?

The expense is but trifling compared with the advantages which will result from it to the country; it will form a system, not to be abandoned to-day or to-morrow, nor while the Government exists, for the system is Republican. Under these impressions, I shall vote against the proposition for striking out these words, because the line between us and the British Provinces is but narrow, and, if circumstances require it, I will say "cross the line." We provoke no war; but it is not the policy of this Government to give up its rights or independence, nor one particle of either.

Mr. SMILIE said, he was certainly not friendly to war, and yet he was friendly to this bill. As he meant to vote for the bill, he said he would state the object he had in view. With respect to Constitutional objections, they did not strike him as having any force. It is denied by no one, that defensive war is justifiable, and that, when carried into the territory of your enemy, it may

still be strictly a defensive war. That being the case, supposing a party of your militia to be stationed on the line, they would be authorized, with their own consent, to cross the line, and carry the war into the enemy's territory. If that be admitted, I can see no difference between taking the consent of a party of your militia a year previous to the war, and obtaining it when they arrive at the line. I am not in favor of war; but, sir, are you sure that war may not be made on you? That is the point of view in which I consider the bill important. I see, in the papers, an address of the Governor of Canada, telling the people that it will be owing entirely to the moderation of His Majesty if we have not a war. I have so long witnessed that moderation, that I have no dependence on it. I believe it will depend entirely on his interest whether he makes war upon us or not. Then, if it is possible or probable that we may be attacked, is it not a duty of the Legislature of the nation to be prepared for such an attack? What would be our situation if we were now attacked? We have no regular force to meet the enemy that would produce any material effect. If you strike out these words, the bill is completely enervated, because the draughted militia will answer every other purpose than that of carrying war out of the United States. I wish, if we are to have a war, and we should be justified in carrying it into the enemy's country, to be prepared for it. By having such a body of men, liable to service, as you will no doubt see, if this bill pass, I have no doubt we shall be able to meet any force they can send against us.

There is another consideration. This is a species of force that costs less than regular troops. Except the mere expense of arming them and paying them for ten days training in a year, we shall not be subjected to any of the expense attendant on a regular force. That is one great advantage; but there is another. This body will be composed of materials not to be found in the regular army. Young men, the yeomanry of the country, will form this corps; men who have something to fight for; men who have spirit to fight, and love of country to induce them to every necessary exertion. I prefer it much to a regular force. There are amendments, which I would wish to the bill, which would not weaken it, but give it nerve. I wish that the privates of the corps may not be subjected to that severe and shameful discipline prevailing in the regular army. I would not subject them to infamous punishment. I should hope that the point of honor would be a sufficient security for their good conduct.

Mr. BACON said, that the gentleman from Maryland, (Mr. KEY,) in combatting this bill, on Constitutional grounds, had conceded sufficient for his purposes, and sufficient, too, to do away those Constitutional objections, which he himself had raised. He concedes, said Mr. B., that, in what may be called a fresh pursuit, a body of militia, having a manifest advantage over the enemy, might, with their consent, be conducted over the

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boundary line, for the purpose of further subduing their adversary. This seems to me sufficient to establish the general Constitutional position, that the militia may, under certain circumstances, go over the line. If they have a right to go over the line, by consent, at the time, they certainly can do the same by prior consent. But the gentleman says that this is an extreme case, which ought not to be attempted to be made to bear on the general Constitutional question. If it were an extreme or improbable case, it would not alter the general principles which it establishes; but I do not agree that it is either so extreme or improbable a case that it may not fairly be taken into consideration in organizing this force. Is it impossible or improbable that, in case of a rupture with Great Britain, we might have an invasion on our Northern frontier? So far from this, that it happened in the Revolutionary war once and again, that an invasion was made by one of the best appointed armies Great Britain ever sent to this country. It is not, perhaps, from the militia of the British Provinces that an invasion is to be expected, but from the standing troops with which Great Britain will furnish them, and which we have the assurance of His Majesty, through the Governor of Lower Canada in his late address to the Legislature, that that Province shall again have. I ask, then, whether the invasion of our territory is an impossible event? I think not. So far from its now being impossible, I recollect that a member from New York, (Mr. EMOTT,) in his speech on the joint resolution respecting the British Minister, did solemnly enjoin upon us to take into consideration, the situation of the Northern territory in case of a war, that the inevitable consequence would be invasion, and desolation, and distress. But, I do by no means rest the argument on this contingency. I do not think it necessary that a prior invasion should be made on us to authorize the militia, with their consent, to be conducted over the territorial line. Suppose that, in case of war, a regiment of the militia of Vermont should volunteer to go over the line to capture a detachment on the other side, would not the Government have a right to accept their aid, and to direct their operations? I think it would. I will not enlarge further on this point; but nothing is more clear than that whatever doubt there may be as to the militia going over the line when draughted, it does not apply to them when they voluntarily engage.

The gentleman from Kentucky, as usual, told us that this was one of the measures on which he and his friends made a great deal of noise ten years ago. I do not know how many kinds of noises he has made, in the course of his political life, but I must protest against being concluded by arguments of this sort. I do not feel myself bound to vote against every measure which the gentleman ever made a noise against. Perhaps he was placed in a situation where it was his interest and his business to make a noise.

As to the provisional army of the former Administration, with which the gentleman has at-

tempted to identify the corps to be organized by this bill, it had no similarity to it. That was a regular military force, and a measure not adapted to the existing state of things at the time. It was justly objected to, because, in case of war with France, the nation with whom alone we had any differences, there was no point of contact where an armed military force could apply. It was, therefore, well asked, and I never heard the question answered, for what purpose is this army intended? To be sure, sir, of late I have cast my eye on a document* which may, perhaps, throw some light on the subject. It does now appear that there was then in existence a certain project of a treaty between Great Britain, the United States, and the Southern Provinces of America, wherein the United States were to stipulate to contribute, as their contingent, toward the common objects of the alliance, an amount of ten thousand regular troops. The treaty was sent to our Government in the year 1797 or 1798, and is said not to have met with a very favorable reception from President Adams. This we learn from a British work lately published in this country. It so happened that the exact number of ten thousand troops were raised here just at that time; for what purpose the nation were somewhat at a loss to know.

* The following is the substance of the account given of this transaction in the work (Bristed's Hints) above alluded to:

"In the year 1797, a project of a treaty was drawn up at Paris by Miranda, and other Deputies from the South American Spanish Provinces, upon the subject-matter of which interviews were immediately had with Mr. Pitt, in London, who acceded to the same with alacrity, and it was afterward transmitted to the Government of the United States. The treaty consisted of eleven articles, and the fourth article which details the general objects of the proposed alliance is in the following words:

"A defensive alliance between England, the United States of America, and South America, is so strongly recommended, by the nature of things, by the geographical position of each of the three countries, by the products, industry, wants, manners, and characters of the three nations, that it is impossible for this alliance not to be of long continuance; above all, if care be taken to consolidate it by an analogy in the political form of the three Governments. That is to say, by the enjoyment of civil liberty, well understood; nay, we may even say with confidence, that this alliance is the only remaining hope of liberty, so audaciously outraged by the detestable maxims avowed by the French Republic; it is the only means left of forming a balance of power capable of restraining the destructive ambition and desolation of the French system."

"The subsequent articles define more particularly the objects of the alliance, and provide for the contribution which the three parties were to make towards it. On the part of the United States a small military force was to be furnished, which, it was proposed, should be ten thousand troops, and the British Government agreed to find money and ships. But Mr. Adams, then President of the United States, declined to transmit an immediate answer, and the measure was, in consequence, postponed."

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The gentleman says, that however we may talk about war, it is very unpopular, and the people are very much against it. I will not contest with the gentleman in his superior knowledge on this point. He is an older mariner, and probably takes his soundings along the shore of popularity oftener than most of us. But this I will say, that when for a series of years this nation has experienced an unprovoked and relentless course of aggression and insult from the violence and rapacity of foreign Powers, and after every other means of averting those aggressions and insults have been disregarded, it becomes the duty of the National Government to vindicate, at every hazard, the nation's rights. Whether the nation will vindicate and support this Government in the appeal which it may be necessary to make, is for them to decide. If we do, indeed, mistake their views and wishes, they hold in their own hands the proper corrective, and to them I leave the decision.

Mr. LYON said the Committee had been entertained with a very pretty play from the gentleman from Massachusetts upon the word "noise," a word which dropped from me. I confess, sir, said Mr. L., that I am often very unfortunate in my choice of words, to express my meaning, and perhaps on the occasion of my using the word "noise," I might, by being a little more cautious, have found a better; one that would have better pleased that gentleman's ear. But, sir, no one else, who knew us in 1800, will say we did not, both of us, make noise. We did not live far asunder, and, as far as I could know of the gentleman, he echoed all the noise I made; and I believe that it is to this noise-making the gentleman owes his present importance. On the noise spoken of, he has, I believe, mounted to fame, to honor, and respectability.

While I am up, sir, I would warn gentlemen against yielding to Executive encroachments, against yielding the legislative powers constitutionally lodged in their hands to Executive discretion or management. The bill before you contemplates giving the power of making war to the President. Executive encroachments, and grants of power to the Executive was a subject we formerly made much noise about. I am not prepared to enumerate all the grants of power and Executive encroachments since Mr. Jefferson's coming into office; but I will pledge myself to show, on paper, if it is required, that they have far exceeded all that we complained of during the former Presidencies.

Mr. FINDLEY said, though the Constitutional powers, he thought, were defined with competent precision, yet, he observed that, in almost every Congress, it had become, on many occasions, very flexible in the hands of different members, and, sometimes, of different parties. He remembered well, that, in 1794, the power of Congress to lay an embargo was considered unanimously by the members in Congress and the citizens, as fully authorized by the Constitution; but that, in 1807, it was discovered and argued by many members of Congress, and citizens in some parts of the

Union, that Congress had no Constitutional authority to lay an embargo; other instances might be given.

The Constitution has vested Congress expressly with authority and made it their duty to provide for the common defence and general welfare and to repel invasions, which includes every means of carrying those powers into full effect to the greatest public advantage; yet, it is contended, that Congress has not Constitutional authority to make a law to enable the President to employ the national force to prevent an invasion by meeting the invading foe on his own ground, or by pursuing the invading army beyond the territorial line.

The gentleman from Kentucky, (Mr. LYON,) has not only denied the Constitutional authority of Congress to make such provision, but asserted that the powerful minority in the fifth Congress opposed the raising of the provisional army on Constitutional ground, and made a great noise about its being contrary to the Constitution; that he himself made a great noise, etc.

Mr. F. said, that himself and several other gentlemen whom he now saw on the floor, were members of that Congress; that he had made some noise on that question himself, having taken the floor more frequently than now, because he was better heard. He had been opposed to hostilities with France until further negotiation was tried; but when that measure was adopted, he voted for such measures as he thought best calculated to carry hostilities most advantageously into effect. He had voted for the greatest number of ships that was proposed, because he knew that it was only with a navy that we came into contact with the power and interests of France; and he had voted against the Army, because it could be of no possible use in the hostilities with France, because she had no territory in our reach; nor was it in her power or for her interest to invade us; and it was not pretended that the Army was necessary on the frontiers. In short, he voted against it, because he thought it inexpedient, and a useless expense, but not because he thought it contrary to the Constitution. Several of his friends in that minority voted for it, which they would not have done if they had thought it unconstitutional. In short, the first that he recollected of ever having heard of its being unconstitutional was the assertion of the member from Kentucky, to apply it against the provision of this bill. It was a very late discovery, even if there had been any analogy between the two cases. It was not then known, at least to the minority, that there was such a negotiation on foot, as, if it had succeeded, would have produced employ for the provisional army, as has been mentioned by the gentleman from Massachusetts, (Mr. BACON,) who has also reasoned so very convincingly on this question, as to leave very little to be added.

It is universally admitted and sanctioned by our own former conduct, that the best way of carrying on defensive war, when it is necessary, is by offensive operations. If we were about to

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be invaded from Canada, as we had formerly been, and as, by the speech of the Governor of that territory, we find that they were again called upon to be in a state of preparation, or, if we were to be attacked on our weakest quarter by an army marched through Florida, of which we were not long since under apprehensions—unless this power is vested in the President during the recess of Congress, he could not employ the national force to prevent invasion by carrying the war into the enemy's territories, nor in repelling an invading foe so as to pursue him beyond the territorial line, nor make reprisals. The knowledge of having our hands tied in this manner, is well calculated to invite invasion and insult. It is well known that those from whom danger is most to be apprehended, know that if our seaports were attacked and our cities laid waste on the one side, and our territories on the other, at the same time, which is very possible, no adequate resistance could be made until Congress was convened from the extremities of the Union, when several months must elapse, great injury be done, and the best opportunities be passed before effectual provision could be made unless this power is vested in the President.

Mr. F. declared that he was opposed to taking Canada, or any other territory, unless it became necessary in our own defence; but he believed the best way to avoid that necessity was at all times to have it in our power. It was an established maxim, that the surest method of avoiding war, was at all times to be prepared for it. He concluded with observing, that the member from Kentucky must have been hard run for arguments, when he so warmly asserted that the term *may*, in the bill, was imperative, or of the same import, as *shall* or *must*. It required but a small degree of recollection to have been convinced that almost every Congress had passed laws respecting loans, and other objects, wherein *may* means a discretionary power, and that such laws are frequently not put in force. A good cause does not stand in need of such arguments. It is plain no power is, by this bill, vested in the President, to march the militia, in any event, over the territorial line, except such as voluntarily engage to do so. The Federal Constitution does not interfere with the voluntary engagements of freemen.

Mr. KEY said that he had not, as gentlemen supposed, contended that a man could not give his consent nine or twelve months beforehand to serve the United States. Neither was he discussing the policy of war, or the best mode of preparing for it, which, however, he deemed to be by a well-trained militia. I call on gentlemen, said he, to look at the Constitution, and meet this argument. A body of militia sign an enlistment to meet at a place of rendezvous out of the United States. Can such a body, by the Constitution, be officered by the State authorities? Must they not, by the Constitution, be officered by the Executive of the United States? I admit that they may give consent to go out of the United States; but they are not then militia, but a body of men

forming an army, and must be officered by the Executive.

Mr. VAN HORN's motion was negatived—ayes 36, noes 63.

Mr. PEARSON moved to amend the bill by adding to one of its sections the following proviso:

Provided, They (the volunteers) shall not be taken out of the jurisdiction of the United States, unless it be in pursuit of an enemy who shall have invaded the United States.

The motion was negatived without debate, 31 members only rising in the affirmative.

Mr. P. said that, if the bill was to pass, he wished it to pass in as perfect a shape as possible. By the bill, volunteers were to sign an engagement to serve the United States according to the provisions of this act. He proposed to amend this part of the bill by adding as follows:

"The said engagement being first read to him (the volunteer) by a commissioned officer and witnessed by at least one credible witness, at the time of signing it, and that the engagement to be made and signed shall expressly state the liability to be taken out of the United States."

This motion was also negatived without debate—ayes 53, noes 41.

The Committee then rose, and reported the bill to the House, and the House adjourned.

THURSDAY, March 8.

A motion was made by Mr. WEAKLEY, that the House do now adjourn: and the question being taken thereupon, it was determined in the negative—yeas 3, nays 58.

A motion was made, by Mr. McKEE, that the House do come to the following resolution:

"Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the Senate and Speaker of the House of Representatives be, and they are hereby, authorized to adjourn their respective Houses on Monday, the second day of April next."

The resolution was read, and ordered to lie on the table.

On motion of Mr. JENNINGS.

Resolved, That the Committee on the Public Lands be, and they are hereby, directed to inquire into the expediency of constituting and establishing a new district for the disposal of the United States' lands in the Indiana Territory, to be bounded as follows, to wit: On the East by the line dividing the sixth and seventh ranges, East of the second principal meridian; on the North by the Indian boundary line; on the West by the line dividing the seventh and eighth ranges, West of the second principal meridian; on the South by the river Ohio.

Mr. JOHNSON, from the Committee of Claims, presented a bill for the relief of Elizabeth Hamilton; which was read twice, and committed to a Committee of the Whole to-morrow.

Mr. JOHNSON, from the same committee, to whom was committed the bill from the Senate, entitled "An act for the relief of Charles Minifie," reported that the committee had had the said

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bill under consideration, and directed him to report the same to the House, without amendment.

On motion of Mr. LOVE,

Ordered. That the Committee of the whole House be discharged from the consideration of the bill to amend the charter of Alexandria; and that the Committee of the whole House be also discharged from the consideration of the bill to amend the act, entitled "An act for the establishment of a turnpike company in the county of Alexandria, in the District of Columbia."

Mr. MUMFORD presented a petition of Eugene de Leitzendorfer, stating that, at the solicitation of General Eaton he relinquished, in the year one thousand eight hundred and four, his command as chief engineer and chief of the staff and director of the artillery of the Turkish army in Egypt, for the purpose of assisting that officer in his military operations against Tripoli; in consequence of which he has been subjected to many hardships and losses, and having at length arrived in America, he finds himself destitute of the means of subsistence in the midst of plenty; and soliciting such pecuniary aid from Congress as will enable him to subsist until he can acquire a knowledge of the American language.—Referred to the Committee of Claims.

Mr. SOUTHARD, after remarking upon the present inequality of returns of militia, arising from the various exemptions from militia service in different States, offered the following resolution:

Resolved, That the committee to whom was referred so much of the Message of the President of the United States as relates to the organization of the militia of the United States, be instructed to inquire whether any, and, if any, what alterations or amendments are necessary in the act or acts of Congress relative to exemption from militia duty, and which require annual returns of the enrolled militia in the respective States to be made to the President of the United States, and that the committee have leave to report by bill or otherwise.

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The House took up the report of the Committee of the Whole on the bill authorizing a detachment of the militia of the United States, and agreed to the several amendments made by the committee.

A motion was made by Mr. VAN HORN to amend that part of the bill which provides that each volunteer "may also be called into the service of the United States to any place, not *beyond sea*, out of the jurisdiction of the United States," by striking out the words in italic, viz: "*beyond sea*."

Mr. DANA said that it was a principle which could not be well sustained, that the militia can be required to march beyond the territorial jurisdiction of the United States, except for one single purpose, the necessity for which must be decided by the commander at the time, that is to say: when repelling an invasion should require, in a military point of view, the passage of the line. It is, said Mr. D., a question of a military nature, to be decided by the commander of the forces, whether it be necessary to accomplish the

object of repelling an invasion. Beyond that, I apprehend the militia cannot be marched out of the jurisdiction of the United States. It is very clear that they cannot be sent beyond sea, out of our jurisdiction.

The next question is, whether the volunteers to be taken as substitutes can be sent, not beyond sea, out of the jurisdiction of the United States? If these volunteers engage, they are to be considered as belonging to the Army of the United States. A person who is detached may, as a militiaman, be required to perform certain duties; he may also agree to perform them, and then he will be commanded not as a militiaman but as an enlisted soldier, and no militia officer, as such, can, by virtue of his engagement, extend his power as an officer of militia. He cannot command a man beyond the jurisdiction of the United States, except for the sole purpose of repelling invasion. This bill, then, presents the extraordinary spectacle of an army of soldiers without a man to command them where they are to act. When a militiaman serves where the militia cannot be compelled to serve, no militia officer can command him; and that a militiaman can enlist himself as an officer, and act as such in virtue of his engagement, is an idea very novel.

In this view of the subject, considering this provision as very exceptionable, I am for the amendment.

Mr. POINDEXTER said that there appeared to be two questions raised on this part of the bill. One was, whether the officers should be commissioned by the State authorities, or by the President of the United States? It has been contended by gentlemen from Maryland and Connecticut, (Mr. KEY and Mr. DANA,) that when the militia are in service without the jurisdiction of the United States, they must be officered by the President of the United States. If I understood the gentleman from Connecticut correctly, he admits that, when in service, the militia volunteers might be ordered across the line, but that they cannot go out of the jurisdictional limits, inasmuch as the officers derive their commissions from State authorities. I have always understood, heretofore, that it was one of the great barriers to defend the State governments from the encroachments of the General Government; that, in a war in which the militia should be called into service, they should hold their commissions under State authorities, to prevent the great influence the General Government would otherwise have. A gentleman yesterday read part of an article of the Constitution, to show that the militia could only be called out for the purposes of suppressing insurrection, executing the laws of the Union, and repelling invasion. This is admitted; and it is equally admitted that the militia, when draughted, cannot be called without our jurisdictional limits; for the power to call them out to execute the laws, does not authorize the sending them beyond our jurisdictional limits, as we cannot pass a law to operate out of the jurisdiction of the United States. We cannot annex Canada or Florida to our territory by a law. As well might

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it be said that Virginia could pass laws to govern Massachusetts, or, *vice versa*, as that Congress could pass a law to have force without the limits of the United States. But, if the gentleman from Maryland had only read the clause of the Constitution, which he quoted, throughout, he would have found his objection completely answered. Congress have power "to provide for organizing, arming, and disciplining, the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers," &c. Here is an express reservation of a power to the States to appoint officers to the militia when called into actual service. I think, by this clause, the principle is clearly established that the officers of these volunteers can constitutionally hold their commissions from the State authorities.

It only remains to answer the question, whether the militia can be carried beyond the jurisdiction of the United States by voluntary engagement? It will be admitted that a citizen of the United States can expatriate himself, and can engage to serve a foreign Prince. There is nothing to prevent his engaging in a foreign army. Will it be contended that a citizen of the United States can engage to serve a foreign Prince and not serve his own Government? Is not a contract to serve his own Government as binding and at least as patriotic? All contracts not fraudulent are binding. The United States, in their corporate capacity, make a contract with an individual, who can engage as well to serve without the limits of the United States as within them. He is certainly as competent to do it as to enter into the service of a foreign country.

This body is not to be compared to the provisional army of 1798, in which the soldier received bounty, was entitled to rations, and liable, from day to day, to be called into service. This is not that expensive establishment. Their engagement will be compulsory on them to serve the United States when the public good requires it. If their engagement be valid, and they are to be officered by the regular authority, (as I think I have shown,) there can be no Constitutional objection to the bill.

From every other consideration, I think this the best bill ever offered to the House. The Army will not be mercenary; it will be an effective force of citizens, who disdain to be draughted, who come forward and offer their services, not only for the purpose of going into camp and being disciplined, but for going beyond the limits of the United States. We are told at one moment that this is a war measure, and that the nation is not for war; and yet gentlemen object to the very system that is to prove the spirit of the nation. If we pass this bill, the number of persons volunteering will teach gentlemen the mistake under which they labor, when they say the people are not prepared for war. War is the dernier resort; but when the liberties of the country are in danger, and our rights trampled under foot, they will be for war. There is more war

among the people than in this House. It is by presenting a manly front and by evincing the spirit of the nation, and not by retreating, that we are to secure our rights.

Mr. LIVERMORE said that this amendment involved a Constitutional question, and was not to be decided by the disposition which existed for war, but by a proper inspection of the charter under which we are sent to legislate here. In order to understand the question now before the House, it might be proper to remark that the Constitution distinctly marked out the species of force which might be brought into action for the security of the nation. By one clause of the Constitution a power was given to Congress to raise and support armies. Whether an army be raised by voluntary enlistment or engagement, it is still a regular force. There is another description of force recognised by the Constitution—the militia. Congress are to provide for governing the militia, reserving to the States, respectively, the power of appointing the officers. Nothing can be clearer than that there are but two species of force recognised by the Constitution—one the regular force to be raised by money and enlistment; the other the militia.

The question is, said Mr. L., whether these volunteers are regulars or militia? It is true that the title is not considered a part of the bill. However, one would suppose that a man would not write under the picture of a horse "this is a dog." The title is "a bill authorizing a detachment of militia of the United States." The bill goes on to provide that the President shall be authorized to require of the Executives of the several States to hold in readiness their quota of 100,000 militia, and that persons may voluntarily engage and be accepted as part of them. They must be either regulars or militia. But the act itself expressly calls them militia. Ought the words "beyond sea" then to be retained?

The gentleman who has last spoken admits that the militia cannot be carried out of the United States. The gentleman from Connecticut appeared to me to place the question on its proper footing. It is one thing for a commander-in-chief to judge whether it is necessary to repel an invasion that the militia should cross the line, and it is another thing by law to enact the position that the militia may be called forth to go out of the United States, to go to Mexico, Peru, or Brazil, or to Montreal or Quebec. Such a law would be a violation of the Constitution. The idea of raising an army and calling them militia, because they are raised without expense, and without enlistment, is derogatory to the honor of Congress, and is as gross an infringement of the Constitution as if we were to make a law that the Senate should be abolished, and we should legislate alone. You might as well attempt to pass a law to officer the militia of the United States as to pass a law of this nature. If the bill was modified so as to raise a volunteer army, I should have no objection to it; but it is not—for every gentleman calls it a detachment of militia, and as such they cannot be carried out of the United

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States. I am, therefore, for striking out these words.

Mr. DANA said that he made no question that officers of militia, as such, were to command the militia, as such, when called into the service of the United States. This was too plain to be questioned. But no officer of militia could command a militiaman where the militiaman was not bound to obey him.

I am not, on this amendment, said Mr. D., discussing the broad, general principles of the bill, nor the question whether we shall now present a determined front, or whether we shall be respected in proportion as we retreat. For, however desirable it may be, that does not decide the Constitutional question as to the correctness of this provision.

Mr. D. entered into an examination of the features of the provisional army of 1798, to show that it was not such as it was represented.

I admit, said Mr. D., that officers of the militia, as such, are to act in virtue of commissions from the State authorities; that the United States are in no instance to officer the militia as militia; but, whenever we require men as private soldiers to perform service, which, as militiamen, they cannot constitutionally be compelled to perform, then the officers must be commissioned by the United States.

The militia can never be marched to repel invasion, until there is a design to invade and a force in preparation for it; because the term implies a hostile force moving, or having moved, toward that object. They can never be moved unless a force be arrayed to invade—that is, ready to strike a blow. The officer commanding the militia may decide whether it is necessary to pass the frontier for the single purpose of repelling invasion. It is a question completely military, and which the proper officer can decide correctly. But here is a general provision to order the militia into foreign service. My idea of the militia is, that it is essentially a domestic force for domestic preservation; that it is not, and, in its nature, cannot be, and in its principle never ought to be, a force for attack and conquest; that it is, essentially, a force for defence and preservation; and that the principle ceding to the General Government the command of the militia should go no further than a mere war of defence and protection. They may, therefore, be called forth to repel invasion, for the defence of domestic rights; they may, therefore, be called out to suppress insurrection, because it subverts the laws, and also to enforce those laws which protect our rights, and are the pledges of our security. The militia guarantee a Republican form of Government by repelling invasion, which would destroy our form of Government, and they repress insurrection, because the authority of the laws must be maintained. They are a domestic force, and cannot be ordered on foreign service consistently with the Constitution of the United States. It is not a service in which a militia officer, as such, can command, and he cannot constitute himself an officer and commission himself.

Mr. VAN HORN said that, although he did not expect the amendment to prevail, it was no reason for silence on his part. Allusions, said he, have been made to the time of 1798, and persons then in the minority have been accused of a disposition to rail, because they are occasionally in the minority now. I did, at that time, believe everything I said; and, believing that the majority then were wrong, although I might always have voted with the majority in Congress, the same principles which governed me then govern me now; and when I see any act about to be done, which I deem unconstitutional, I must contend against it now, as I did then. What kind of force will gentlemen say this is? Gentlemen have told you it is not militia; if so, it must be an army—it is a provisional army. If it be an army, Congress can provide for calling out the militia, &c., but can they provide that the President shall raise an army? This was the very point of contest in 1798. The President, whenever he thinks proper, may, by bill, order these men into service. If they constitute an army of the United States, they ought to be raised by Congress; and I have no idea that the Constitution gives us power to authorize the President to raise an army. That power was given to Congress, and they cannot transfer it. That is the way I understood the Constitutional provision under Adams, and that is the way I understand it now.

There has been a good deal of talk about the spirit of the country. I feel no fear of a disposition being imputed to me to abandon the true principles of defence; but, is this the way to support them? The Constitution declares that the militia are the safe defence of a free State. What does this bill provide? That the militia shall be marched out of the country; and, in their absence, the arms of the standing army may be turned against the country. If this were 1798 instead of 1810, there would not be the same disposition to trust the militia outside of the United States.

The gentleman from Mississippi says this army will disdain to suffer themselves to be draughted. If gentlemen already begin to talk in this way, those who are ready to repel invasion, but will not agree to go out of our jurisdiction, will be told they are mean, dastardly fellows, who do not disdain to be draughted. If you begin to stigmatize those who will not volunteer, we shall hear enough of it before it is done with. And this will be another inducement to volunteer. If you wish to manifest the spirit of the nation, I consider this not the proper way. I wish to see a musket placed in the hand of every freeman who comes of age. The number contemplated by this bill, to be armed, forms but a small proportion of the militia of the United States, and in some of the States will not be sufficient to defend the shores of one river from predatory incursions.

A gentleman from Pennsylvania said that the giving of this power might do away the necessity of using it. I cannot, sir, be influenced by con-

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siderations of that kind. What I do here, I do for my country, and not with a view to frighten foreign nations into a respect for our rights. I do not legislate for exportation. This bill is not calculated to insure respect for our rights; my fears are that it will rather induce foreign nations to trespass further on them. I have no desire to enter into a war with France or England, nor am I for abandoning our rights. I would enter into no treaty with either, which should give up a right. But, is a nation to go to war for every infraction of right? This is new doctrine, and it is too late to preach it. I am anxious that this amendment should prevail, because I think it important that we should not, at this time, be talking of marching out of the United States. If there is no serious determination of attacking a foreign territory, I hope we shall not hold out any idea of doing it.

The gentleman from Pennsylvania (Mr. Ross) has said that the objection ought to be to officering the volunteers, instead of marching them out of the United States. Although I have an objection to both parts, if I move to amend either, I shall be told that I begin at the wrong end, and, therefore, do not expect to get at my object.

Mr. HOLLAND said it would give him extreme pleasure if he could see the gentleman begin at the right end. He appeared to be embarrassed from the start, and, Mr. H. said, he would do all in his power to set him right. He appears to be in doubt what these troops are. All these questions embarrass my very Republican friend, and I am sorry for it. He says Congress ought to raise troops, and not the President, and, therefore, he is against the bill. If he will examine the bill, he will find that Congress are now making provision by it to raise some kind of troops. When these troops are raised and provided, to be sure, the President has the same power over them as over any other troops whatever. But he has no power to take them beyond the boundaries of the United States, or to declare war, for that power rests with us.

The general duties of the militia are certainly within the United States. But it does not follow that no other troops can be raised who are not strictly regulars. Regulars is a general name applied to all troops in the standing service of the country. I remember well, that, in the time of the Revolution, we had a variety of different troops; there were some called minute men. These troops may partake of the character of minute men, solemnly pledged to perform service according to their engagement, when the country requires it. They will have no right to complain of being carried out of the United States when they specially agree to go beyond the limits. They are not entrapped. There is no danger of imposing on the militia of the United States in this particular, by any kind of finesse. They, the people, possess nearly as much knowledge as those who legislate for them. Their eyes are open; and if they were a little closed gentlemen would open them for them; for there seems to be a great abhorrence of invading Canada. If there

should be the same at the time for volunteering, they will not engage. All who have opposed the bill on this ground may lay aside their fears.

As to the Constitutional objection, it is the first time that I ever heard that the Constitution prevented our citizens from entering into their own compacts. So far from it, they are admitted to make all contracts not injurious to the United States. They can dispose of their persons by free and open compact, and it would be hard if the Government has not power to make a contract in this way. In the regular army every soldier voluntarily engages and contracts with the Government to perform that service. Is it not from this contract that service is required of him? This bill, as far as respects the contract, stands on the same principle as enlistments. I am astonished that gentlemen pretend to take the ground that the bill is unconstitutional. The Constitution has no bearing on the question.

The gentleman from Connecticut says that, when without the bounds of the United States, the militia must serve as regulars, and are not bound to obey their officers. If, indeed, sir, persons fly from their contract, they may not be bound by it. The officer, when he receives a commission, also makes a contract that he will perform service out of the United States, if required. The contract is complete and binding, and there is nothing in the Constitution which forbids it.

As to the bill itself, it is, perhaps, the best the House ever hit upon. If the words, however, are stricken out, as proposed, there will be no occasion for the bill. There is no occasion for raising militia volunteers merely to repel foreign invasion. To pass such a bill to meet invasion would be futile. There is not a citizen, in his sober senses, who is in fear of invasion. I wish to be prepared, not only to repel invasion of territory, but to take satisfaction, if necessary, of those nations who invade our rights.

Mr. Ross remarked, that the objection made to the bill is, that these volunteers are militia, and that they cannot be commanded out of the jurisdiction of the United States. It is agreed, that, in their individual capacity, they can go out of the United States to make offensive war, but it is denied that the militia, as an organized body, in their military capacity, can make this agreement. If the militia, from whom this detachment is to be made, were only the militia of a particular State and not of the United States, I apprehend the gentleman would be correct; but, unfortunately for the objection, they are not only militia of the individual States but of the United States, and, being so, may they not, organized according to law, volunteer themselves in the service of the Government to whom they belong? When carried out into actual service, they are to be commanded by the President of the United States; and a great objection is made that, though from the mode in which the corps is raised, it is composed of regulars, yet from being commissioned by the Executives of the several States, they are to be considered as militia. The Executive of

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the United States, it is true, by the Constitution, is to commission all officers of the United States. The commissioning of the militia by the several States is elsewhere provided for, and then they come under the clause of the Constitution which excepts from the general provision all appointments "herein otherwise provided for." It is otherwise provided that the militia officers shall be commissioned by the respective States; and, being so commissioned, they may volunteer their services, and make an agreement, as militia, to go out of the United States.

After a few words of explanation from Mr. LIVERMORE, the question was taken on the amendment, and decided in the negative—yeas 42, nays 72, as follows:

YEAS—Daniel Blaisdell, James Breckenridge, John Campbell, John C. Chamberlain, William Chamberlin, Epaphroditus Champion, Martin Chittenden, Samuel W. Dana, John Davenport, jun., William Ely, James Emott, Thos. R. Gold, Wm. Hale, Nathaniel A. Haven, Jonathan H. Hubbard, Richard Jackson, jun., Philip B. Key, Herman Knickerbacker, Joseph Lewis, junior, Edward St. Lee Livermore, Robert Le Roy Livingston, Nathaniel Macon, Vincent Matthews, Archibald McBryde, William Milnor, Jonathan O. Moseley, Joseph Pearson, Benjamin Pickman, jun., Timothy Pitkin, junior, Elisha R. Potter, Josiah Quincy, Richard Stanford, John Stanley, James Stephenson, Lewis B. Sturges, Jacob Swoope, Samuel Taggart, Archibald Van Horn, Killian K. Van Rensselaer, Laban Wheaton, Ezekiel Whitman, and James Wilson.

NAYS—Lemuel J. Alston, Willis Alston, junior, William Anderson, Ezekiel Bacon, David Bard, Burwell Bassett, William W. Bibb, Adam Boyd, Robert Brown, William A. Burwell, Joseph Calhoun, Matthew Clay, John Clopton, Howell Cobb, James Cochran, Orchard Cook, James Cox, William Crawford, Henry Crist, Richard Cutts, John Dawson, Joseph Desha, John W. Eppes, William Findley, Jonathan Fisk, Meshack Franklin, Gideon Gardner, David S. Garland, Thomas Gholson, junior, Peterson Goodwyn, Daniel Heister, James Holland, Jacob Huffy, Walter Jones, William Kennedy, John Love, Aaron Lyle, Robert Marion, Alexander McKim, Pleasant M. Miller, Nicholas R. Moore, Thomas Moore, Gurdon S. Mumford, Thomas Newbold, Thomas Newton, John Nicholson, John Porter, Peter B. Porter, John Rea of Pennsylvania, John Rhea of Tennessee, Matthias Richards, John Roane, Erastus Root, John Ross, Ebenezer Sage, Thomas Sammons, Ebenezer Seaver, Adam Seybert, Daniel Sheffield, Dennis Smelt, John Smilie, George Smith, Henry Southard, John Taylor, John Thompson, Uri Tracy, George M. Troup, Charles Turner, junior, Robert Weakley, Richard Winn, and Robert Witherspoon.

So the motion was lost.

Mr. PEARSON said that as the bill was of a novel character, containing provisions hitherto unknown in the laws of the United States, he wished it to be distinctly understood by those to be affected by it. He, therefore, moved to amend that part of the bill requiring the volunteers to sign an engagement by adding the following: "which engagement shall expressly state the liability to be taken on service without the limits and jurisdiction of the United States."

This amendment was modified on the suggestion of Mr. CLAY, so as to read—"which engagement shall expressly state the liability to be taken on service, not beyond sea, without the jurisdiction of the United States."

This motion was opposed by Messrs. ROOT, SMILIE, FISK, HOLLAND, and W. ALSTON, and supported by Messrs. PITKIN, DANA, SHEFFEY, PEARSON, ELY, TAYLOR, MACON, WILSON, and BACON.

The reasons urged in favor of it were, generally, that every citizen in making an engagement ought distinctly to understand it; that under the laws authorizing detachments of militia, volunteers had heretofore been received to serve within the United States only, and, unless expressly stated otherwise in the engagement, persons volunteering under this law would think that they were merely offering their services as heretofore; that the provisions of the bill having this operation, would entrap the volunteers into an engagement of which they had no idea, and which was hitherto unknown to the laws of the United States.

Against this amendment, it was urged that it was unnecessary, as the volunteers were to sign an engagement to serve the United States "according to the provisions of this act;" that expressing one condition of the engagement on the face of it would imply an absence of the other conditions; that if this amendment was agreed to, the House might as well insert the whole of the law and the articles of war in the engagement; and, generally, that it was burdening the bill with a provision totally unnecessary and useless.

The amendment was agreed to—yeas 55, nays 49, as follows:

YEAS—Ezekiel Bacon, Burwell Bassett, Wm W. Bibb, Daniel Blaisdell, Jas. Breckenridge, John Campbell, John C. Chamberlain, William Chamberlin, Epaphroditus Champion, Martin Chittenden, James Cochran, Orchard Cook, Henry Crist, Sam'l W. Dana, John Davenport, jun., Wm Ely, James Emott, David S. Garland, Thomas R. Gold, Wm. Hale, Nathaniel A. Haven, Daniel Heister, Jonathan H. Hubbard, Richard Jackson, junior, Walter Jones, William Kennedy, Philip B. Key, Herman Knickerbacker, Joseph Lewis, jun., Edward St. Lee Livermore, Robert Le Roy Livingston, Matthew Lyon, Robert Marion, Archibald McBryde, Pleasant M. Miller, William Milnor, Jonathan O. Moseley, Joseph Pearson, Benjamin Pickman, junior, Timothy Pitkin, junior, Elisha R. Potter, Josiah Quincy, Daniel Sheffield, Richard Stanford, John Stanley, James Stephenson, Lewis B. Sturges, Jacob Swoope, Samuel Taggart, John Taylor, Archibald Van Horn, Killian K. Van Rensselaer, Laban Wheaton, Ezekiel Whitman, and James Wilson.

NAYS—Lemuel J. Alston, Willis Alston, jr., William Anderson, David Bard, Adam Boyd, Robert Brown, William Butler, Joseph Calhoun, Matthew Clay, John Clopton, Howell Cobb, James Cox, William Crawford, John Dawson, Joseph Desha, William Findley, Jonathan Fisk, Meshack Franklin, Gideon Gardner, Thomas Gholson, junior, Peterson Goodwyn, James Holland, Jacob Huffy, Nathaniel Macon, Alexander McKim, Nicholas R. Moore, Thomas Moore, Gurdon S.

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Mumford, Thomas Newton, John Nicholson, John Porter, Peter B. Porter, John Rea of Pennsylvania, John Rhea of Tennessee, Matthias Richards, John Roane, Erastus Root, Ebenezer Sage, Thomas Sammons, Ebenezer Seaver, Adam Seybert, Dennis Smelt, John Smilie, George Smith, Henry Southard. Uri Tracy, Charles Turner, jr., Robert Weakley, and Robert Witherspoon.

And the House adjourned.

[The bill cannot be taken up to-morrow, Friday being by a rule of the House appropriated to the consideration of bills and reports originating from petitions.]

FRIDAY, March 9.

The report unfavorable to the petition of Peter Landais, went through a Committee of the Whole, and was concurred in by the House.

The House then went into a Committee of the Whole on the report of the Committee of Claims on the petition of Margaret Lapsley.

[The report states the claim to be just, but barred by the statute of limitations, and, therefore, recommends a resolution that the prayer of the petition ought not to be granted.]

After much debate, the report of the committee was negatived, and a resolution in favor of the petition adopted by the Committee and reported to the House, by whom it was confirmed, 64 to 36, and referred to the Committee of Claims to report a bill.

Mr. LOVE, from the Committee for the District of Columbia, presented a bill to amend the laws within the District of Columbia; which was read twice, and committed to a Committee of the Whole on Friday next.

An engrossed bill to make public a road in Washington county, in the District of Columbia, was read the third time, and passed.

On motion of Mr. GHOLSON,

Ordered, That the unfinished business of yesterday do lie on the table.

The House then resolved itself into a Committee of the Whole on the report of the select committee on the petition of Amey Dardin; and, after some time spent therein, the committee reported their agreement to the resolution therein contained.

The resolution being read in the words following, to wit:

Resolved, That the prayer of the petitioner is reasonable, and ought to be granted."

The question was taken that the House do concur with the Committee of the whole House in their agreement to the said resolution, and resolved in the affirmative.

Ordered, That a bill be brought in, pursuant to the said resolution; and that Mr. GHOLSON, Mr. TRACY, and Mr. HEISTER, do prepare and bring in the same.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act relative to the district court of the United States established in the Territory of Orleans;" also, a bill, entitled "An act to incor-

porate a company for making certain turnpike roads in the District of Columbia;" to which bills they desire the concurrence of this House.

The House proceeded to consider the bill to amend the act, entitled "An act for the establishment of a turnpike company in the county of Alexandria, in the District of Columbia;" When the bill was ordered to be engrossed, and read the third time on Monday next.

The House resolved itself into a Committee of the Whole, on the report of the Committee of Commerce and Manufactures on the petition of Tristram Hussey; and, after some time spent therein, the Committee rose and reported their agreement to the resolution therein contained, to wit:

Resolved, That the prayer of the petitioner is reasonable, and ought to be granted.

The question was then taken that the House do concur with the Committee of the Whole in their agreement to the said resolution, and resolved in the affirmative.

Ordered, That a bill be brought in, pursuant to the said resolution; and that the Committee of Commerce and Manufactures do prepare and bring in the same.

The House resolved itself into a Committee of the Whole on the report of the Committee of Claims on the petition of John Thompson; and, after some time spent therein, the Committee rose, and reported their disagreement to the resolution therein contained, to wit:

Resolved, That the prayer of the petitioner ought not to be granted.

The question was then taken to concur with the Committee of the whole House in their disagreement to the said resolution, and resolved in the affirmative.

On motion of Mr. GHOLSON, the following resolution was then agreed to by the House:

Resolved, That the prayer of the petition of John Thompson is reasonable, and ought to be granted.

Ordered, That a bill be brought in, pursuant thereto; and that the Committee of Claims do prepare and bring in the same.

MONDAY, March 12.

Another member, to wit: from Virginia, JOHN RANDOLPH, appeared, and took his seat in the House.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting his report in relation to claims for invalid pensions which was read, and ordered to be referred to the Committee of Claims.

The SPEAKER laid before the House a letter from William Lambert, enclosing certain astronomical calculations in addition to those accompanying his petition; which were referred to the committee appointed on the representation of Neale H. Shaw, on the subject of the variation of the magnetic needle.

The bill sent from the Senate, entitled "An act relative to the district court of the United States, established in the Territory of Orleans,"

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was read twice, and committed to a Committee of the Whole on Monday next.

The bill sent from the Senate, entitled "An act to incorporate a company for making certain turnpike roads in the District of Columbia," was read twice, and committed to a Committee of the Whole on Friday next.

An engrossed bill to amend an act, entitled "An act for the establishment of a turnpike company in the county of Alexandria, in the District of Columbia," was read the third time, and passed.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act to prevent the issuing of sea-letters, except to certain vessels," with amendments; to which they desire the concurrence of this House. They have also passed the bill, entitled "An act providing for the third census or enumeration of the inhabitants of the United States," with amendments; to which they desire the concurrence of this House.

The House resolved itself into a Committee of the Whole on the bill regulating the Post Office Establishment; and, after some time spent therein, the bill was reported with several amendments thereto; which were read and severally concurred in by the House.

A motion was then made by Mr. W. ALSTON, further to amend the said bill, by striking out the thirty-ninth section thereof: and debate arising thereon, an adjournment was called for, and carried.

TUESDAY, March 13.

Mr. GHOLSON, from the committee appointed on the ninth instant, presented a bill for the relief of Amey Dardin; which was read twice, and committed to a Committee of the Whole tomorrow.

Mr. EPFES, from the Committee of Ways and Means, presented a bill for the relief of William Baynham; which was read twice, and committed to a Committee of the Whole on Thursday next.

Mr. NEWTON, from the committee appointed, on the first ultimo, on the report of the Secretary of War, made in obedience to a resolution of this House, of the twenty-second of January last, reported the following resolution; which was read, considered, and concurred in by the House, to wit:

Resolved, That the committee to whom has been referred the report of the Secretary of War, made in obedience to a resolution of this House, of the twenty-second of January, 1810, be instructed to inquire into the cause or causes of the great mortality in that detachment of the Army of the United States, ordered for the defence of New Orleans; and that the committee be authorized to send for persons and papers.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting, in obedience to a resolution of the second instant, a statement of the emoluments and expenditures of the Collector of Baltimore, during

the years 1808 and 1809, which was read, and ordered to lie on the table.

On motion of Mr. McKIM,
Resolved, That a committee be appointed to inquire into the expediency of altering the times of holding the circuit court of the United States for the district of Maryland; and that they have leave to report by bill, or otherwise.

Ordered, That Mr. McKIM, Mr. STEPHENSON, and Mr. LYLE, be appointed a committee, pursuant to the said resolution.

ADJOURNMENT OF CONGRESS.

Mr. McKEE called for the consideration of his resolution to adjourn on the 2d day of April.

Mr. LOVE moved to amend it by striking out the second day and inserting the fourth Monday.

Mr. W. ALSTON moved to postpone it till Monday next.

Mr. WINN moved to postpone it till the first Monday in April.

Messrs. LOVE, W. ALSTON, NELSON, and SMILIE, advocated a postponement, because the House had not yet been able to act on the subject of our foreign relations, and were in daily expectation of information which would enable them to act conclusively; that there were many important subjects before the House to be decided before adjournment, and which it would be impossible to get through with in so short a time; that it would produce no good now to adopt the resolution, and would do injury by creating confusion, the result of the anxiety of each member to have that subject first decided in which he felt most interested.

Mr. McKEE opposed the postponement, because if the argument of the pressure of business was allowed, it would hold equally good against adjournment at any time, and Congress would be always in session; he said that fixing the day for adjournment would greatly accelerate business, and no doubt all necessary business could be done in the time mentioned in the resolution. Mr. LIVERMORE was against postponement because he could not conceive why the session should be prolonged; he had heard on all hands that good news had been received from Europe, and he conceived, therefore, Congress had nothing to do but to adjourn as speedily as possible, and thus put an end to the non-intercourse law.

The motion for postponement till the 2d Monday in April, was decided in the negative—yeas 38, nays 79, as follows:

YEAS—Willis Alston, junior, William Anderson, Ezekiel Bacon, David Bard, Adam Boyd, John Campbell, Matthew Clay, John Clopton, William Crawford, Gideon Gardner, Daniel Heister, William Helms, James Holland, Joseph Lewis, junior, John Love, Robert Marion, Alexander McKim, Pleasant M. Miller, Nicholas R. Moore, Thomas Moore, Gurdon S. Mumford, Roger Nelson, Thomas Newton, John Nicholson, Timothy Pitkin, junior, John Rhea of Tennessee, John Roane, Ebenezer Sage, Thomas Sammons, Adam Seybert, Daniel Sheffey, John Smilie, George Smith, John Smith, John Thompson, Archibald Van Horn, Robert Whitehill, and Richard Winn.

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Census—Post Office Establishment—Moses Young.

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NAYS—Lemuel J. Alston, Burwell Bassett, Daniel Blaisdell, James Breckenridge, Robert Brown, William A. Burwell, William Butler, Joseph Calhoun, John C. Chamberlain, William Chamberlin, Epaphroditus Champion, Martin Chittenden, Howell Cobb, James Cox, Henry Crist, Richard Cutts, John Davenport, jun., Joseph Desha, William Ely, James Emott, John W. Eppes, Jonathan Fisk, Meshack Franklin, David S. Garland, Thomas Gholson, jr., Peterson Goodwyn, Thomas R. Gold, Edwin Gray, William Hale, Nathaniel A. Haven, Jonathan H. Hubbard, Jacob Hufty, Richard Jackson, junior, Richard M. Johnson, Walter Jones, William Kennedy, Philip B. Key, Herman Knickerbacker, Edward St. Loe Livermore, Robert LeRoy Livingston, Aaron Lyle, Nathaniel Macon, Vincent Matthews, Archibald McBryde, Samuel McKee, William Milnor, Jeremiah Morrow, Thos. Newbold, Joseph Pearson, Benjamin Pickman, jun., John Porter, Peter B. Porter, Elisha R. Potter, Josiah Quincy, John Rea of Pennsylvania, Matthias Richards, Erastus Root, Lemuel Sawyer, Ebenezer Seaver, Dennis Smelt, Samuel Smith, Henry Southard, Richard Stanford, John Stanley, James Stephenson, Lewis B. Sturges, Jacob Swoope, Samuel Taggart, John Taylor, George M. Troup, Charles Turner, junior, Jabez Upham, Killian K. Van Rensselaer, Robert Weakley, Laban Wheaton, Ezekiel Whitman, James Wilson, and Robert Witherspoon.

The further consideration of the resolution was then postponed till Monday next, ayes 71.

CENSUS, &c.

The House took up the amendments of the Senate to the census bill. The bill as it went from the House provides that the enumeration shall commence in August next, and the returns shall be made within nine months thereafter. One of the Senate's amendments is to make it commence in June and be concluded in five months. This amendment was after debate disagreed to, and the other amendments by the Senate agreed to.

The House referred the amendments of the Senate to the bill to prevent the issuing of sea-letters, except to certain vessels, to the Committee of Commerce and Manufactures.

The House resumed the consideration of the report of the Committee of the Whole on the bill for regulating the Post Office Establishment; and, after some discussion of amendments proposed to it, adjourned.

WEDNESDAY, March 14.

Mr. HOLLAND, from the committee appointed on the twenty-fifth of January last on the petition of Return J. Meigs, jun., and others, presented a bill giving a further compensation to the witnesses and venire who attended the trial of Aaron Burr, before the circuit court of the United States for the district of Virginia, which was read twice, and committed to a Committee of the Whole on Friday next.

Ordered, That the letter and report received yesterday from the Secretary of the Treasury, be committed to the Committee of the Whole House to whom is committed the bill for the re-

lief of the Collectors of Philadelphia and Norfolk.

The House proceeded to consider the bill regulating the Post Office Department; and the question depending and undetermined at the time of adjournment yesterday, to strike out the thirty-ninth section of the bill, was again stated, and the same being taken, it was determined in the negative.

The bill was then further amended, and ordered to be engrossed, and read the third time to-morrow.

A message from the Senate informed the House that the Senate insist on their amendments to the bill, entitled "An act to provide for the third census, or enumeration of the inhabitants of the United States," which have been disagreed to by this House; and ask a conference upon the subject-matter thereof.

Mr. JOHNSON, from the same committee, also presented a bill for the relief of John Thompson, which was read twice, and committed to a Committee of the Whole on Friday next.

POST OFFICE ESTABLISHMENT.

Mr. STANFORD said that as he intended, when the post office bill came under consideration, to move to discontinue the express mail to New Orleans, Athens, Georgia, or at least a part of it, he wished to obtain an account of the expense of it, which was enormous. He believed it had cost more than \$100,000 since its establishment, and the proceeds from it had been little or nothing in comparison.

Mr. STANFORD then moved the following resolution:

Resolved, That the Postmaster General be directed to report to this House the annual amount of expenditure incurred by the General Post Office, in conveying the mails from this city, by Athens, in Georgia, to New Orleans, with the proceeds of the same, from the establishment of that route to the present time; distinguishing the amount incurred from this to the Coweta towns, from the remainder of the route.

Mr. LYON moved to add to the end thereof the following: "And, also, what is the probable amount of the postage of letters carried on that route, and the time saved in the carriage of letters thereon."

The motions, after some conversation between Messrs. SHEFFEY, TAYLOR, RHEA of Tennessee, TAYLOR, STANFORD, LYON, W. ALSTON, BIBB, and CLAY, were agreed to.

CLAIM OF MOSES YOUNG.

Mr. JOHNSON, from the Committee of Claims, presented a bill for the relief of Moses Young, which was read twice and committed to a Committee of the Whole on Friday next.

Mr. JOHNSON, from the same committee, also made a detailed report of facts relating to the case of the said Moses Young, which was committed to the same Committee of the Whole. The report is as follows:

That the petitioner was engaged by Henry Laurens, Esq., as secretary of his embassy to Holland, at a salary of £500 sterling, as authorized by a resolution of

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Congress; that he embarked with Mr. Laurens on the said mission, was captured by the British, carried to England, and imprisoned; effected his escape to France, where he aided in the execution of the public business in Dr. Franklin's office; and, upon the enlargement of Mr. Laurens, in April, 1782, joined him in London, and served as his secretary, and with Dr. Franklin, until the 9th of July, 1782, at which period the objects of the mission of Mr. Laurens having, in consequence of his capture and detention in England, been intrusted to Mr. Adams, the petitioner, with a view to save expense to the United States, with the approbation of Mr. Laurens, discontinued his services as secretary. In consequence of the failure in the mission of Mr. Laurens, in the object to which it was directed, that gentleman expressed a determination not to receive from Congress his salary as Minister, and advised the petitioner to accept the one-half the salary to which he was entitled as secretary; to which recommendation the petitioner acceded; transmitted his account for services from the 18th of October, 1779, up to the 5th of February, 1782, (when his services were first accepted by Dr. Franklin,) at £250 sterling per annum, which account was so liquidated and settled at the Treasury of the United States, on the 21st August, 1783, a reservation being made by Mr. Young, and by his agent, of his right to salary, from the said 5th of February, to the customary allowance for time and expenses of returning to the United States, and for interest. Mr. Laurens, however, having sustained losses by depreciation of Continental money, afterwards felt himself justified in receiving from the Government the full amount of his salary; upon information of which fact, the petitioner, having been subjected to an adverse fortune, conceived himself entitled, without question of his patriotism, to ask of the United States, in their state of prosperity, the satisfaction of a debt, which, at the period of their difficulties, he had declined exacting; and did, accordingly, on the 3d of May, 1787, present to the Accountant of the Treasury, a claim for the payment of the balance of his salary and the allowance of three months' wages for time and expense of returning to the United States; which claim was, by the Accountant, referred to the Board of Treasury on the 11th of August, 1788, and does not appear to have been by them acted upon. In December, 1792, Mr. Young presented a petition to Congress for the satisfaction of his claim, which was, by the House of Representatives, referred to the Secretary of the Treasury, who does not appear to have made a report. The petitioner having resided abroad nearly eleven years, as secretary to one of the Ministers at the Court of Spain, and as an American Consul at Madrid, the care of soliciting his claim has been intrusted to his agents in the United States, by whom it has several times since December, 1792, been brought before Congress, submitted to the investigation of the Secretary of State, and of committees of both Houses, and has obtained on each reference the confirmation of the Secretary and committees of the justice and merits of the claim.

Your committee, taking into view the sacrifices, sufferings, and meritorious services of the petitioner, established by the certificate of the late Henry Laurens, Esq., and other respectable evidence; the patriotic consideration which prevented his claiming the whole salary due him; his subsequent disappointments and long-continued claim for settlement since May, 1787, are of opinion that his claim is just. It is a fact not

disputed, that the petitioner presented an abstract of his claim to the proper officers of the Treasury, on the 3d of May, 1787, which is established by the documents of the public offices, and the account itself, taken from the Treasury on the 12th of February, 1805, by the petitioner, and now before the House with his petition. The presentation of the claim at that time prevented the resolve of Congress from barring the claim. The resolve was adopted on the 23d of July, 1787, in the following words, viz: "*Resolved*, That all persons having unliquidated claims against the United States pertaining to the late commissary's, quartermaster's, hospital, clothier's, or marine department, shall exhibit particular abstracts of such claims to the proper commissioner appointed to settle the accounts of those departments, within eight months from the date hereof; and all persons having other unliquidated claims against the United States, shall exhibit a particular abstract thereof to the Comptroller of the Treasury of the United States, within one year from the date hereof; and all accounts, not exhibited as aforesaid, shall be precluded from settlement or allowance." From the foregoing circumstances, your committee are of opinion that the said Moses Young has a just claim on the United States for the full amount of his salary, at the rate of £500 sterling per annum, from the 18th of October, 1779, to the 9th of October, 1782, including the usual allowance of three months for returning to the United States; and that, after deducting the sum received from Dr. Franklin, and by his attorney, Joseph Nourse, the balance, with interest thereon, ought to be paid by the United States.

The committee ask leave to report by bill.

CLAIM FOR INDIAN DEPREDACTIONS.

Mr. WITHERSPOON, from the committee appointed on the fourteenth ultimo, on the petition of Alexander Scott, made a report thereon, which was read, and referred to a Committee of the Whole on Friday next. The report is as follows:

That in the month of February, 1794, William Scott, James Pettigrew, and John Pettigrew, of South Carolina, left that State, with a view of establishing themselves in the present Mississippi Territory, and took with them twenty-one negro slaves, with goods and chattels to the value of more than one thousand dollars; that they proceeded in safety on their journey as far as the Muscle Shoals, on the river Tennessee, where they were attacked, about the 9th of June, 1794, by a party of Cherokee Indians, who put to death all the white people of the family, and took possession of and carried away the negroes and other property. It appears, also, to your committee, that repeated endeavors have been made, at very great expense, to recover the aforesaid property, without any other success than the recovery of a negro child; and that the persons legally entitled to the said property are forever foreclosed from any remedy by which to recover the same, in consequence of the stipulations of the ninth article of a treaty made with the Cherokee Indians on the 2d day of October, 1798, which article is in the following words: "It is mutually agreed between the parties that the horses stolen, and not returned within ninety days, shall be paid for at the rate of sixty dollars each. If stolen by a white man, citizen of the United States, the Indian proprietor shall be paid in cash; and if stolen by an Indian from a citizen, to be deducted, as expressed in the fourth article of the Treaty of Phila-

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delphia. This article shall have retrospect to the commencement of the first conferences at this place in the present year, and no further. And all animosities, aggressions, thefts, and plunderings, prior to that day, shall cease, and be no longer remembered or demanded on either side." By the above recited article, the petitioners are wholly deprived of redress in the premises. If there existed any tribunal of justice before whom the case could be brought, the right of the petitioners to the said negro slaves and their increase would doubtless be established. But there is no court within the United States having cognizance of an action for the recovery of property held within the Indian boundary. Neither is it in the power of the petitioners to avail themselves of force or stratagem, whereby to regain possession of the aforesaid slaves and their increase, because they would be liable to punishment for a violation of the statute of the United States regulating intercourse with the Indian tribes. From these premises, it appears to your committee that the petitioners have an undoubted right to the above-mentioned slaves and their increase, and that they have been deprived of all remedy for their recovery by the acts of the Government of the United States; that the voluntary renunciation of their rights by the Government gives to the petitioners a fair claim on the Government for indemnification. Your committee, therefore, under an impression that the aforesaid slaves would be delivered to the agent of the United States for Indian Affairs among the Cherokee Indians upon conditions more favorable to the United States than a full remuneration of their value to the petitioners, respectfully submit the following resolution:

Resolved, That the prayer of the petitioner is reasonable, and that the President of the United States be authorized and requested to treat, by such commissioner as he shall appoint, for the delivery to the rightful owners of the slaves and their increase taken from William Scott, James Pettigrew, and John Pettigrew, on or about the 9th of June, 1794, by a party of the Cherokee nation of Indians, at or near the Muscle Shoals, on the river Tennessee, upon such equitable conditions as to him shall appear just and reasonable.

BATTURE AT NEW ORLEANS.

The House resolved itself into a Committee of the Whole, on the bill "providing the means to ascertain the title to the batture in front of the suburb of St. Mary, in the city of New Orleans."

[The bill provides that "it shall be lawful for the claimants or their legal representatives, to institute a suit or suits in the district court of the United States, for the Orleans district, according to the forms now used in the courts of said Territory, against the Attorney of the United States, for the said district, who shall be made defendant as the representative of the United States, for the express purpose of defending their title to the said batture, &c., and when the issue shall be joined or the pleadings made up and settled in the said district court, it shall be the duty of the judges of the said court, to designate by an order entered of record, as part of the proceedings in such case, some one of the circuit courts of the United States, where, in his opinion, a fair and impartial trial can be had; and which circuit court, so designated, is hereby authorized to proceed to final trial, both as to law and fact, in like manner as if such suit had been instituted in such court, and had arisen within its jurisdiction, but according to the forms used in the

courts of said Territory, and the laws in force there when the removal aforesaid took place. And a transcript of the record shall be furnished the plaintiffs, by the said district court, which being authenticated in the usual form, and filed with the clerk of such circuit court, shall be sufficient authority for such court to proceed to final trial. And the judgment or decree of such circuit court may be reviewed and reversed or affirmed in the Supreme Court of the United States, on appeal or writ of error prosecuted by either party, within — after such judgment or decree shall have been finally rendered or pronounced in such circuit court, &c.]

Mr. BIBB moved to strike out the whole of the bill from the enacting clause, and to insert the following as an amendment:

"That the interest in or title to the batture fronting the suburb of St. Mary, in the city of New Orleans, which may have vested in the United States by the treaty of cession between the United States and France, concluded at Paris the 30th of April, 1803, be transferred to and vested in the corporation of the city of New Orleans, so far as to enable said corporation to defend any suit or action which may be instituted for the recovery of the whole or any part of the said batture, in any court having competent power and jurisdiction to hear and determine the same; and if no suit or action shall be instituted and prosecuted to final judgment or decree within — years, all individual claim, right or title to the said batture shall henceforth be forever barred.

And be it further enacted, That the said batture shall be used and enjoyed as a public highway and landing place, as well by the citizens of the United States as the inhabitants of the city of New Orleans, who shall continue to use and enjoy the right of digging and carrying earth from the said batture, for making and repairing public streets and levees and other purposes, which they were accustomed to use and enjoy under the late Spanish Government."

Mr. SHEFFEY called for a division of the question, so as to take it first on striking out.

Mr. BIBB said he felt no disposition to delay unnecessarily a conclusion of the subject, or to trespass on the patience of the Committee. Indeed, said he, if my regard for the feelings of others could possibly permit me from day to day to address an assembly unwilling to hear, (of which unfortunately for this body, and for the nation, we have too many examples,) I confess the respect I feel for myself would forbid it. But, sir, called upon to adopt a measure which innovates on the established usages of the country, sets a precedent the most dangerous and alarming, places the Government under the control of intrigue, and, in my apprehension, sacrifices the sovereignty of the nation on the altar of inordinate speculation, I cannot, nor will I be silent.

Pass this bill—pursue this extraordinary course of proceeding, and it becomes the entering wedge which is to enable a horde of speculators who infest the Capitol, and distract the nation, to triumph over the virtue of the country. And I do believe that the bill is supported by a portion of this assembly with a view to that object. Yes, sir, it is the object of some gentlemen to establish a precedent in favor of the Yazoo claimants, and

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I wish it to be understood. Can those who are willing on the present occasion to grant a privilege to Mr. Livingston, unheard of in the history of this Government, refuse with any sort of consistency the same privilege to other intruders who have been removed from the public lands in the same way and under the same law? They cannot, nor is it their intention to do so. It is true, attempts have been made to distinguish the case of the petitioner from that of the Yazoo claimants who were removed from land in the Mississippi Territory; but whatever difference there may be in the origin of their claims, none exists in the treatment the individuals have received, nor can any reasons be urged for granting a judicial trial in the one case, which are not equally applicable to the other. But, sir, we are told that the case of the petitioner involves the very existence of our free Government—that he has been removed from his property at the point of the bayonet—and that if such an example shall be sanctioned by the Representatives of the people, every man in the nation becomes a tenant at the will of the President. It is not my purpose to inquire why this case alone should produce so much excitement when the removal of hundreds in the same way has passed unnoticed; but I will show, in the course of my remarks, that all we have heard upon the subject is mere declamation, and that the fearful apprehensions which have been expressed by some gentlemen are perfectly unfounded. As to the appeals which have been made to the sympathies of the Committee, and the charge which has been urged of wanton oppression on the part of the President towards this individual, they cannot reach my feelings. However much I may feel for the people of New Orleans, who have been disturbed in the use of the batture, which they had been accustomed to enjoy ever since it existed, I have no sympathy for the disturber of their repose. While the Legislative and Executive departments of the Government have been using their best endeavors to conciliate the affections of those people, this man has not been less busy in creating discontent among them. He has been the evil genius of the Territory, and when gentlemen undertake to declaim against the conduct of Mr. Jefferson, and in favor of his innocence, they should recollect the circumstances under which he removed to New Orleans. It is impossible that any man in his senses can believe Mr. Livingston has acquired a just claim to a property worth from half a million to one million of dollars, the value of which was as well known to others as to himself, when it is notorious that he is a bankrupt—a public defaulter to a very large amount. [Mr. POINDEXTER called Mr. B. to order, Mr. B. replied, Sit down, sir, I am in order, you are not. The CHAIRMAN, according to the rule of the House, required Mr. B. to sit down, and Mr. P. to state in writing the words objected to, which were “it is notorious that the petitioner is a bankrupt.” Mr. B. had leave of the Chair to explain. He considered himself within the strict rule of order. His object was to show that the situation of the petitioner rendered it almost im-

possible that he could have acquired a fair claim to the property in question; that it must be a collusive speculation, and therefore that he was not entitled to the peculiar favor of the National Legislature. Indeed, said Mr. B., if I am not mistaken, he has acknowledged the fact in his petition, for mentioning which I have been interrupted by the Delegate from the Mississippi Territory. The CHAIRMAN declared Mr. B. to be in order.] Mr. BIBB then proceeded to state, that whatever claim Mr. Livingston had, might have been submitted to the Commissioners for the Orleans Territory, who were authorized to decide on land claims of every description; and that, if his claim had been laid before them, he would not have been removed pending a decision upon it. The law, said he, which required his removal from the batture expressly provides that persons holding complete titles may, and the holders of incomplete titles shall file their claims, and in either case that they shall not be disturbed in their possession until the Commissioners shall have reported to Congress. Mr. Livingston was not contented with the same privileges which other claimants enjoyed—with the same tribunal, and the only tribunal to which others could appeal. But, sir, this House is called upon to legislate for his particular case; to grant him a peculiar and distinguished privilege which has never before been awarded to any man in this nation. And why? Because, having taken possession of the public property, and refusing to submit his claim to the Commissioners who had competent power and authority to hear and determine it, he has been removed according to law, at the point of the bayonet. He cannot plead ignorance of the law, and I repeat, that until June 1808, he might have filed his claim and had it decided before the same tribunal which decides on all other land claims in the Territory of Orleans; that if he had complied with the requisitions of the law, he would not have been removed; that having failed to do so, he has acted in his own wrong, and his removal by military force has been the necessary consequence.

But, sir, there is another aspect in which this subject presents itself, entitled to the most attentive consideration of the Committee. If my construction of the law for ascertaining and adjusting the titles and claims to land in the Territory of Orleans be correct, it is more than probable that this claim, notwithstanding it has not been filed, is now pending before the Commissioners. That law, after enumerating many matters and things which the Commissioners shall have power to examine and determine, adds the power to “decide them in a summary way, according to justice and equity, on all claims filed with the register or recorder, in conformity with the provisions of this act, and on all complete French or Spanish grants, the evidence of which, though not thus filed, may be found of record on the public records of such grants.” If the petitioner has any color of title whatsoever it can be found of record, and therefore is fairly before the Commissioners. That it was intended, Mr. Chairman,

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they should have the power to decide on perfect titles whether filed or not, is evident from a subsequent provision of the law, which authorizes them not to consider a grant conclusive evidence of title, unless they are satisfied that such grant is neither antedated nor otherwise fraudulent. Now, if their authority to decide is limited to claims only which are filed, this provision is wholly nugatory, because no man holding an antedated or fraudulent grant would ever think of filing it. If then they have the power to examine and decide this case, it has become their indispensable duty to exercise it. They were appointed with the powers of a court, but exempted from the formalities of courts, for the purpose of detecting fraud and collusion, and of adjusting in a summary way all disputed claims to land within the Territory of Orleans. That this claim is disputed the Commissioners cannot now be ignorant, and unless they have been guilty of a dereliction of duty, it must at this moment either be decided or pending before them. This circumstance alone affords a sufficient objection to the passage of the bill before you, at least until the Commissioners shall have made their report to Congress. But, sir, there are other insuperable objections to the bill. While it is admitted that persons holding perfect titles are not compelled to file them, no man can deny that according to law the claim of every holder of imperfect title which was not filed before June, 1808, is forfeited. It is expressly enacted that the evidence of such claims shall never be admitted in any court of the United States. What is proposed to be done by this bill? Why, sir, to renew whatever claim, right, or title, the petitioner may have had, and which by his own act has been forfeited. Is there any evidence before the House of a continuity of perfect title to the property in question? There is none, and if gentlemen are determined to submit this case to a judicial decision, be it so; but do not adopt the provisions of this bill, which, instead of authorizing a trial on the merits of the claim as it now exists, renews rights which may have been forfeited. This would be an act of injustice to other claimants, and to the people of the United States, to which I trust a majority of this assembly will not consent. The amendment I have proposed submits the case to the ordinary judicial tribunal, without adding to, or taking from the validity of the claim, and places the petitioner precisely on the ground he would occupy, if the dispute were between him and any individual in the Orleans Territory. Does justice demand that more should be done? Certainly not. The people of the United States are one party, Mr. Livingston the other party, and if the people of the United States consent to grant him a trial before the same tribunal which would decide between individuals. I ask you, sir, whether in common justice he can claim any more? To grant him any advantage he could not otherwise enjoy, because the United States happen to be a party in the case, would be assuming the principle that less is due to the people in their aggregate capacity than to an individual. The truth is, that Congress alone have

the right to decide on the claims of the nation, and if they delegate the power to determine in this case to any court whatsoever, it is an act of special favor to the petitioner. Sir, if the ordinary course were pursued on the present occasion, we should examine the merits of his claim and decide upon it by resolving "that the prayer of the petitioner is reasonable and ought to be granted," or "unreasonable and ought not to be granted," and there would be an end to the question. When gentlemen undertake to assert that it is not within the province of Congress to decide claims of this description, they surely forget that Congress alone have decided all such claims from the commencement of the Government, and that no other department has the power to decide them. But the gentleman from Virginia (Mr. SHEFFEY) tells you that by the Constitution the judicial power extends to all controversies to which the United States are a party, whether in the capacity of plaintiff or defendant. This is the first time, sir, I ever heard the opinion advanced that the United States are suable. Permit me to ask the gentleman from Virginia, if the United States are suable, why Mr. Livingston has not commenced his action against them? And if Congress are not competent to decide his claim, why his petition has been presented to this House? [Mr. SHEFFEY explained.] Mr. B. said if the gentleman abandons the ground of the suability of the Government, I shall say nothing more upon the subject. But, sir, such a doctrine is perfectly incompatible with every idea of sovereignty, and never has been sanctioned in any country.

But, Mr. Chairman, the great difficulties and differences which have arisen in the present debate are the consequence of confounding the rights of the States which compose this Union, with the rights of the Territories. Gentlemen have said, that according to the Constitution, no man can be deprived of his land without a trial by jury, and therefore, the removal of the petitioner from the batture without such a trial was illegal and unconstitutional. I admit the correctness of this doctrine in its application to the States, but I deny it in relation to the Territories. The Constitution is a compact between the States—the ordinance of 1787 is the compact between the Territories and the United States, and is to the Territories what the Constitution is to the States. Political and civil rights are guaranteed by the Constitution to the people of the States, which are withheld from the citizens of the Territories. And, sir, the gentleman from Virginia has yielded this ground upon the present occasion, if I have not mistaken the tenor of his resolution. As I understand it, he proposes to appoint Commissioners to decide the dispute between the United States and the petitioner, whose decision shall be final and conclusive. Now, I ask him, and the Committee, where is the trial by jury? Suppose the property in dispute were within the limits of a State and had not been expressly ceded by the State to the General Government, would not a proposition to determine on the claim of any individual to such property without a regular ju-

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judicial trial be obviously unconstitutional? Certainly, sir. And yet, until the present moment, the right of Congress to determine by commissioners all land claims in the Territories never has been questioned. It has been the uniform course of proceeding ever since the commencement of the Government. I could enumerate many instances in which rights are expressly granted to citizens of the States by the Constitution, which both the Constitution and the ordinance deny to citizens of the Territories; but it is unnecessary. Congress have kingly—absolute powers over the Territories, and if the petitioner could not be contented with the enjoyment of perfect liberty in the States—if he voluntarily removed to the Territory of Orleans, it was his own act, and he cannot reasonably claim an exemption from such restrictions as are imposed on others. The ordinance vests the right in Congress to make any regulations they may find necessary for securing the title of the nation to its soil in the Territories.

The Constitution declares that Congress shall have power to make all needful rules and regulations respecting the territory or other public property of the United States. Here is a grant of power limited only by the discretion of Congress—this is the constitutional authority for the law under which Mr. Livingston was removed from the batture, and which some gentlemen have denounced as unconstitutional. That law was deemed a needful rule and regulation by those to whom alone the right of judging was delegated by the Constitution; it has not been repealed, and there is no legitimate authority on earth that can make it unconstitutional by any act whatsoever. Sir, it is a needful rule and regulation, because it is indispensable to the security of the national property—without it the public lands would be at the mercy of every speculator in the country. Repeal this law—divest yourselves of the power to remove intruders from the public domain, except by a course of judicial proceedings, and I venture to assert they never can be removed. No man does, or can believe, that a jury of intruders would dispossess themselves. But, say gentlemen, this law, if Constitutional, was intended to operate only in the Mississippi Territory against the Yazoo claimants. An examination of the law will show the fallacy of this argument. Among the offences enumerated in the first section, against which the law is intended to provide, will be found that of making “a settlement on, or taking possession of, any lands ceded to the United States by a foreign nation, or by a State,” &c. Now, sir, what cession had been made to the United States by a foreign nation when this act was passed? The cession of Louisiana; and unless the law is considered applicable to that Territory, this provision is wholly nugatory and absurd. But if any doubt remains on this point it will be completely removed by referring to a negative provision contained in the last section:

“Provided, That nothing in this section shall be construed to apply to any person claiming lands in the

Territory of Orleans or Louisiana, whose claim shall have been filed with the proper commissioners.”

I ask the Committee whether, according to any rule of construction the particular exception of claims which are filed, does not subject those which are not filed to the operation of the law? It certainly does, sir. And this provision proves more—it establishes the fact that the petitioner might have prevented the necessity for his removal by military force—would have put it out of the power of the President to remove him, if he had filed his claim. But we are told that Mr. Livingston has been removed by military force from property in the possession of which he had been placed by a judicial decision, and therefore his removal was illegal and unconstitutional. What judicial decision? Has any court undertaken to decide on the right of the United States to the batture? No, sir; and although we hear much of a judicial decision, none of the advocates of this bill have ventured to assert that any court had decided the claim of the United States. Why have they not done so? Because there has been no such decision, and if there had, to pass this bill would be not only unnecessary, but absurd.

The truth is, that the court of Orleans determined the controversy between the petitioner and the corporation only, and expressly forbore to decide on the claims of others. It cannot, and I presume it will not be contended, that the right of the United States has been wrested from them by the determination of a controversy to which they were not a party. If the decision of a question of title between two individuals is to be conclusive against the right of the United States, the whole of the public lands are completely at the mercy of every speculator in the country. If such a doctrine should be sanctioned by this House, and I were a Yazoo claimant, (which God forbid I ever should be!) although no lawyer, I could devise ways and means to defraud the nation of all its domain in the Mississippi Territory. The Yazoo claimants will have nothing more to do to prevail against the Government, but to institute sham or collusive actions among each other, and in whatever way they might be decided, would be perfectly immaterial, if such a trial is to bar the claim of the United States. Sir, the right of the United States to the batture, stands precisely as it did before the judicial decision, of which so much has been said; and I will show that the removal of Mr. Livingston was as fully authorized and required by law, as if there had been no such decision. The law under which he was removed provides that persons taking possession of, or making settlements on, the public lands, “until authorized by law,” shall be removed, &c. This is the provision, on which gentlemen have relied, to prove that the petitioner was exempted from the operation of the law, and that the President, in removing him, acted illegally and oppressively. If sir, they had examined this subject with any sort of attention, they would have been convinced without any observations of mine, that this ground, although apparently strong, cannot be maintained. I will not trouble the Committee with reading the

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law, but if any gentleman will examine it, he will find the meaning of this expression fully and unequivocally explained. It is, that all persons taking possession of or making settlements on lands shall be removed, "which lands had not been previously sold, ceded, or leased by the United States, or the claim to which lands had not been previously recognised and confirmed by the United States." Has the batture been sold, ceded or leased by the United States, or has the claim of the petitioner been recognised and confirmed by the United States? No, sir. Then I repeat that Mr. Livingston was not "authorized by law" to take possession of the batture, adverse to the possession of the United States, and that he has been removed legally and constitutionally.

But, Mr. Chairman, we have heard a great deal of declamation on this subject. Gentlemen have roundly asserted, that if this example receives the sanction of Congress, any man in the nation may be removed without a hearing from his house and his lands, at the point of the bayonet. This is not, nor can it be true. The law which authorized the removal of Mr. Livingston is limited in its operation, by its own provisions, to territory "ceded to the United States by a foreign nation or a State," and consequently does not and cannot affect the rights of the citizen which are guaranteed by the Constitution.

Much has also been said about the petition of right in England, to which every subject is entitled, when he considers himself aggrieved by the King or his Ministers. Why, sir, no case analogous to this can happen in England, because all the lands have been granted time immemorial. The cases to which gentlemen have alluded, are altogether of a different character, and entirely opposite in their nature. In consequence of certain offences, and in some other events, the King in his individual capacity becomes entitled to the property of a subject, but he is not permitted to judge when the circumstances have occurred, without which he has no claim whatsoever. And why is he not permitted to judge? Because, being himself perfectly irresponsible, beyond the control of the people and of the law, he would have the strongest temptation to invade the right of private property and the liberty of the subject. But what has that to do with the present case?

Sir, the principle on which is founded the right of removing intruders from the public lands, has been recognised by every civilized nation on earth. It is the principle, that the sovereignty of the country cannot be divested of the legal possession of the public domain, except by its own consent.

But, Mr. Chairman, the course prescribed by the amendment I have proposed, is analogous to that which is taken in England on a petition of right. I propose to constitute the corporation of New Orleans a party in behalf of the United States, for the purpose of determining the question before a judicial tribunal, having competent power and authority to decide, whether the petitioner has or has not been aggrieved. I place the claim of the petitioner precisely on the ground it would occupy, and before the same court which

would decide, if the United States were not a party; if the dispute were between him and another inhabitant of the Orleans Territory.

The amendment takes the ordinary course of judicial proceedings; the bill is extraordinary, and highly objectionable in many points of view. What does it propose to do? To constitute the Attorney of the United States for the district of Orleans the Representative of the United States, against whom Mr. Livingston may institute an action for the batture, in the district court of Orleans; and when the issue shall be joined or the pleadings made up in that court, the subject is to be transferred to some circuit court to be designated by the district judge, when a trial shall be had; and from thence an appeal is permitted to the Supreme Court. Sir, this in its commencement is the most extraordinary course of proceeding that ever was heard of, in its progress the most novel, and in its conclusion the most dangerous. I lay it down as a correct principle, that no privilege ought to be granted to the petitioner, which may not with safety be extended to other land claimants. What would be the consequence of allowing an appeal to the Supreme Court to persons generally, claiming lands in the Territories? Why, sir, it would be to give a complete ascendancy to the rich speculator over the honest planter, unable to prosecute his right before the Supreme Court; and you had as well confiscate the property of every poor man in the country.

The bill so provides, that if the attorney for the United States shall fail to appear and answer to the suit, the district court of Orleans may render judgment by default against the United States. Thus, the right of this nation to a property worth from half a million to one million of dollars, is to depend on the appearance of a district attorney. Sir, many and weighty considerations, which it is unnecessary to enumerate, forbid the passage of a bill containing so monstrous a provision as this. It is impossible that the National Legislature, the guardian of the rights of the people, can wantonly sacrifice them in this way.

But, it is objected to the amendment, that a fair and impartial trial cannot be had in Orleans, before that tribunal which hears and determines all other controversies in the Territory. Then, sir, the ordinary course of judicial proceeding is to be changed for a particular case, because some gentlemen distrust the ordinary judicial tribunal! Why, sir, I could say that I have no confidence in the Supreme Court, and therefore they ought not to decide this case; but such reasoning would not be entitled to the consideration of this Assembly. If a court cannot be trusted, it should be put down; but it never can be proper for the Legislative department to remove a case from the ordinary judicial tribunal, because certain gentlemen express a want of confidence in its disposition to render justice. Whenever such a state of things shall arrive, that one department is directed in its proceedings by distrust towards the other departments, there is an end of the Government. I therefore conceive it would be a most dangerous precedent to take the decision of this case from the

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Territorial court for the reasons assigned, and a most unjust and impolitic denunciation of the people of Orleans. The petitioner cannot reasonably ask to be placed in a better situation than if the controversy were between him and a citizen of Orleans; and I repeat that he is placed in that situation by the amendment before you. A gentleman from Virginia, however, was opposed to the amendment, because it proposed to give the claim of the United States to the batture to the Corporation of New Orleans, who might contend at law with the petitioner. He considered it an act of maintenance. I am sure, sir, the gentleman's reflection upon the subject has convinced him of his error. There is not a single feature of maintenance in the proposition, nor is the right of the United States to the property in question ceded to the Corporation. What is proposed by the amendment? A parcel of land is claimed by the United States and Mr. Livingston. The United States are in possession, and he has no redress, except by petition to Congress. He has laid his claim before this House, and prays that it may be examined and decided by some existing judicial tribunal, or such tribunal as we may think proper to erect. Well, sir, the United States not being suable, I propose to constitute the Corporation of New Orleans a party in behalf of the United States, for the sole purpose of ascertaining to whom the property belongs. In the meantime, a usufructuary right is allowed to the inhabitants of Orleans, such as they have been accustomed to enjoy under the late Spanish Government.

I have thus far, Mr. Chairman, considered the batture as land capable of individual ownership, and in that point of view, endeavored to satisfy the Committee that the bill ought not to pass; and that, if it be proper to take any measure, the amendment should be received and adopted.

But, sir, there is another aspect of this subject, which presents objections insuperable both to the bill and to the amendment. If the controversy about the batture be nothing more than a question of title between the United States and the petitioner to a parcel of land, capable of individual ownership, it is clear to my mind that Congress may transfer the power of deciding it to any tribunal they please. If, however, the batture be a public highway, it belongs to the nation, in its sovereign capacity: it is a property of sovereignty, which Congress have no right to submit to the decision of any tribunal, nor the power to alienate in any way whatsoever. And, sir, it is the bounden and indispensable duty of this House, first, to decide the question whether it be property capable of alienation or not; for, the Representatives of the nation being the exclusive guardians of the inalienable rights of sovereignty, cannot transfer a right to decide upon them to any tribunal, other than the people whom they represent. I therefore wish it to be distinctly understood, that the amendment I have proposed does not give the subject that direction which in my opinion it ought to take. But perceiving, as I thought, a determination on the part of a majority of the House to grant the petitioner a judicial trial, I

have proposed that course which appeared to my apprehension the least objectionable. Sir, I am satisfied that the batture cannot belong to any individual, and therefore that the removal of the petitioner was not only authorized by the act of 1807, but required by the ordinance of 1787, and the treaty of cession between the United States and France. And, notwithstanding it has been said that Mr. Jefferson did not wish the claim of Mr. Livingston to be examined, it is not less true that he considered this land a shoal or elevation of the bottom of the river, still occasionally covered by its inundations. The Message to this House in which the removal of the petitioner was announced furnishes sufficient evidence that he considered it a part of the public highway. Now, by the ordinance—the compact between the United States and the Territories—it is expressly provided that the navigable waters, and carrying places between the same, shall be common highways, and forever free, without any tax, impost, or duty. Declare Mr. Livingston owner of the batture, or permit a court to do so, and the compact is violated. He may tax every boat that arrives at New Orleans, to whatever amount he pleases.

Mr. B. said he had intended to have submitted some other remarks upon the subject, but he felt himself unable to proceed any further.

Mr. SHERFFEY replied to Mr. BIBB. He deprecated the continued alarm of Yazooism which was raised on every subject coming before the House, and was in the present case an *ignis fatuus* to lead them to injustice. The first section of the amendment proposed made the Corporation of New Orleans a party in a trial to take place in that city. The next section declared that the property should become a highway. This would certainly promote injustice, because, every citizen being interested in its becoming a public highway, it would be impossible that a jury composed of persons so interested could give an unbiassed verdict. Shelter yourself not under such subterfuges, said Mr. S. If you are not disposed to do justice, say so openly; do not sanction such a mockery of justice as this would be. Mr. S. replied to various other observations of Mr. BIBB.

Mr. POYDRAS.—I rise, Mr. Chairman, to enter my solemn protest against any resolution, bill, or other measure, which can have the least tendency to violate the sacred right of the public to the property of the port of the suburb St. Mary, or that may in any way affect or disturb their use of it. Not only in my own name, not only in the name of those whom I immediately represent, do I enter this protest; but in the name of the sovereign people of America, to whom it now belongs, and to whom it ever must belong, until wrested from them by the force of arms. Theirs is a legitimate and sovereign right, and by no other means short of force can it be severed from them.

Sir, New Orleans is the great mart of a very extensive and important portion of America. Its interests and those of the upper country of the Ohio and Mississippi are closely connected, and must stand or fall together. We are, as it were,

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the doorkeepers of their wealth, and we know the importance of our trust, and the necessity of preserving it inviolate. This is a truth with which our minds have ever been deeply impressed, and as we have heretofore acted, so we shall continue to act in conformity to it. We are now confederated Americans. We have sworn to defend the sovereignty of America, wherever it extends, but principally that part of it which is intrusted to our special care—that is, New Orleans. We are at all times ready to discharge that sacred duty. We will fight for, and protect it against every external or internal foe. Let this Government sanction our resistance, and let those invade it who dare.

The honorable delegate from the Mississippi Territory has told us, in a very soft and persuasive tone, that he had a resolution to offer to the consideration of this honorable House, very conciliatory, indeed, and which he hoped would prove satisfactory to all parties, being calculated to insure an impartial and fair investigation of the titles of the invaders of the port of the suburb St. Mary. How has he fulfilled this promise, so engagingly announced in his soft-sounding preamble? By a resolution, sir, objectionable in every point of view; the artful production of the combined exertions of practitioners profoundly skilled in all the tricks and windings of deceitful chicane. It is a master-piece of duplicity. Its style is natural and flowing, like the limpid water of a gentle stream. Its language fascinating as a magic charm. "Impartial trial, investigation of title," &c. Who can oppose himself to propositions seemingly so just? I, sir, do, and will be joined by every one who knows that the language of a pleader is always calculated to conceal his real intent. It is the artificial blaze which dazzles the eye of the understanding. It is the melodious but bewitching voice of the syrens. It is the smooth but perfidious current which dashes the unwary voyager against the rocks of Scylla, or plunges him into the whirlpool of Charybdis. It is the golden sheath which conceals the dagger ready to stab you.

Before I proceed to inquire into the demerits of this odious resolution, I must express my astonishment at its having been introduced by the gentleman from the Mississippi Territory, because I had myself taken the trouble of furnishing that gentleman with all the documents in the case, which, in my opinion, are more than sufficient to convince every one conversant with matters of litigation of this evident truth: that the port of a town never has been, nor ever can be the property of an individual, either by the law of nations, or the French or Spanish laws, and this is the only point in controversy. I, for one, and all the professional men, and the other learned men, and everybody, from the first to the last, in my country, and every impartial man in this country with whom I have any acquaintance, are perfectly satisfied on that head. If the gentleman understands this case as we do, I cannot conceive the motives which could have induced him to offer the resolution which he did.

If he understands it differently from us, why, then, I can only say that his notions of right and wrong are totally different from ours, and he never shall sit either as judge or juryman in my cause, if I can avoid it. I would not be understood to question the purity of the gentleman's motives, in supporting, with all his ingenuity, the invaders of the port of our town, and, consequently, the invaders of the right of the sovereign people to the use of that port. I only regret that he has left me no choice. My sacred duty as a delegate, as an American, constrains me to repel his deliberate attack in the best manner my abilities enable me. Sir, I am not a pleader, and cannot pretend to support an unjust cause. Such an undertaking requires great talents, assisted by learning and eloquence, to which I boast no pretensions. The causes which I am able to defend must be like the present one, clear and self-evident. They must be such as stand securely on their own merits, requiring no other aid than a simple unadorned exposition of the facts. Were I able to perform this, in the present case, nothing more would be wanting.

I shall now proceed to the discussion of the odious resolution, which contains the principles of the bill now on your table. This principle is not only insulting to my country, but subversive of its undoubted right, which it enjoys in common with all other societies, of having every suit originating within its jurisdiction decided according to the local laws, and in the ordinary way of judicial proceedings. If this be the opinion of the gentleman, with what propriety can he propose to this honorable House to invest a court of his Territory with the tremendous power of deciding, in the first and last resort, without appeal, on the merits of English grants, intermingled with Spanish grants? I may have no right to offer my opinion on that subject; but, so long as I live and perceive my judgment unimpaired, I shall give my opposition to the investing of any court with the power of deciding causes both in the first and last resort, especially where the judges are not subject to punishment for error. It is a tyrannical and unconstitutional power, at war with the whole genius of our Government—a power which the most despotic Monarch would not dare to arrogate to himself. Monarchs constitute themselves a court of equity and ultimate resort, for the purpose of revising the proceedings of those of inferior jurisdiction. Their immense power, which places them beyond the reach of bribery and other means of seduction, forms the strong hope of the injured, if he can be fortunate enough to reach the foot of the throne. Could any Monarch be base enough, in private cases, to act unjustly in the administration of justice between man and man? No, sir; his highest interest is to appear just in the eyes of his subjects. Does this lessen his power? No, sir; it is the most solid basis on which power can rest. Justice is the balsam which can heal the wounds even of despotism itself; it is the golden chain which binds mankind. Injustice, on the contrary, is always offensive, and uniformly produces

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revolt. Sir, to invest a court with power to decide cases, or even a particular case, both in the first and last resort, without appeal, is in contradiction to the plainest rules of justice—against the known principles of equity, reason, and common sense. Such immense and tempting powers ought not to be intrusted to men, subject to all the frailties of humanity. It would be necessary, to inspire confidence in any man of common sense, that angels should be the judges of such courts. What could you expect from a tribunal so radically vicious in its constitution? Nothing, surely, but the abuse of justice, which you have authorized them to trample under foot with impunity. The present case presents a lamentable instance of it; nor is it the only instance which affords ground of censure. But what would it avail me to complain, when the port of my town, which has been the property of the public from time immemorial—when the sovereignty of the people on the “sea shore, the ports of towns, rivers, and their banks,” is not only audaciously contended for in the midst of the august assembly of the Representatives of the sovereign people, but by a fatality which at once afflicts and astonishes, the atrocious attempt is, in that assembly, countenanced and supported? This “is the unkindest cut of all!” The consequences may be so dreadful that I fear even to glance at them. So long as you suffer this cause to exist, so long must the most baleful consequences flow from it.

Though the intentions of the author of this measure may be perfectly good, it appears a little strange to me that he should propose, and that seriously, too, the new, unheard of, round-about carrying trade of pleadings, liable, as it would be, to all the tricks, frauds, and impositions, of all the common smugglers of justice. The gentleman says his object is, that an impartial trial may be obtained. Mr. Chairman, this is mere pleading. The object proposed can never be obtained in that way, because New Orleans is the only place in the Union where the proceeding can be legally and properly instituted. They are the only people sufficiently acquainted with the civil law, and with the facts and circumstances of the case, to be able to give a just and legal verdict. In any other part of the Union it is impossible that this cause can be tried with any kind of propriety, for, be the jurors ever so upright, and be they ever so well acquainted with the laws, customs, and manners, of their own State, yet they must necessarily be so ignorant of our laws, customs, and manners, and of the facts and circumstances of the case, that they would be liable to the greatest impositions of our artful adversaries, so highly interested in misleading them; and they would, I am confident, give the most unjust verdict, in the full persuasion that they were acting most conscientiously. The gentleman says, that the people of Orleans have declared their opinion, and their verdict would be against the petitioner. That is true, and will continue to be true, so long as they retain the right use of their understanding—so long as they shall remember the sacred

duty which they owe to themselves and to the sovereign people of America. No verdict would be justifiable that was not against the usurpers of the port of New Orleans. Any other verdict must be the result either of imposition or perversity.

Sir, I must take the liberty of asking the gentleman for what would he bring his suit? Not for the mist of the Mississippi. That is too light and unsubstantial to afford solid ground for action; and, surely, the gentleman does not mean to try whether the port of a French or Spanish town can become the property of an individual; nor can he question the sovereignty of the American people over that port, after the cession of Louisiana to the United States. This important truth has been so clearly ascertained, so fully demonstrated, by all the defenders of our cause, that even the gentleman himself, with all his talents, will be unable to confute them.

But, if the gentleman is so very anxious to have law suits, this dark transaction affords ground for two very proper ones. The first is, respecting the new crime, unknown to us, called *champerty, campi partitio*. Where the land, or other thing sued for, is to be divided between the claimant and the champestor, or person who undertakes, at his own risk and expense, to prosecute the suit. But, in the present case, this crime of *champerty* is of a deeper dye than usual; for it is not land that they want to divide, but the bed of a river and the port of a town: things public and sacred in their very nature, which never can, by our laws, become the property of an individual. The second good ground of inquiry would be, respecting the creation of titles in favor of a *champestor*, in order that a sacred property might be wrested from the public, and vested in him. The question would be, could any judge on earth have powers competent to commit such an outrage? Could such title be considered as valid, or ought not rather the judge to fall under the animadversion of law for misfeasance in office? If suits of this kind please the taste of the gentleman, I have no objection to his embarking in them.

But the gentleman proposes “a fair investigation of titles.” Nothing than this can be more just and equitable, and the gentleman only commits a small mistake in putting the cart before the horse. He should prove that such species of title may possibly exist, before he proposes its investigation. Should I require some geographer to furnish me with an accurate geographical description of the moon, he would tell me, “you first bring the moon within my reach.” So answer I the gentleman; if he pretends that the property in the port of the suburb St. Mary is vested in an individual, he must first show that the property of any French or Spanish town has or can be so vested; but the reverse of this position has been so clearly elucidated and fully demonstrated, that the gentleman, however great his learning and ingenuity may be, will hardly undertake to establish the contrary. Sir, this, again, is mere pleading. It is not the investigation, but the creation of titles that is intended by this measure.

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A spurious monster, the mongrel offspring of injustice and chicanery, has been introduced into my country by our usurpers, who endeavor to pawn it on us as the lovely child of truth and justice; but we have, with horror, rejected this hideous imp, this illegitimate monster. Its foster parents are now attempting to have him regenerated and legitimated, and for this purpose they pursue means which are new, circuitous, and dark; but I ardently hope their schemes may once more prove abortive.

Should the gentleman succeed in proving it possible for an individual to hold the right of property in the port of a French or Spanish town, there still remains an insuperable difficulty in his way, that will be the claim of the riparian owners. If the port of that suburb does not belong to the public, it must belong to us. Our titles are ready for investigation, they are in your hands, they are legally proved and incontrovertible. Can Congress refrain from paying a just attention to the claims of the generous riparian owners, whose only aim is to secure to the public the use of that sacred and invaluable property, not only in its natural state, but, after having expended a very large sum, it may be a hundred and fifty thousand dollars, before it can be completed and properly fitted for the general use.

The gentleman proposes the Attorney of the United States for the district of Orleans as a proper representative of the Government in this case. It ought be recollected that, in this very case, the late attorney for that district refused to assert the rights of the United States; and what assurance can Congress have, that the present one will not act in the same manner? He is certainly at liberty to do so. Besides, it is a very extraordinary, if not an unwarrantable attempt, to make the sovereign suable in a matter of sovereignty. In matters of private property, it is a different case; but now that the right of sovereignty in the sea-shore, the ports of towns, rivers, and their banks, is an inalienable right vested in the United States, the proposition to create a court to try whether or not that right be so vested in the United States, (who can, when they choose, possess themselves of it,) appears to me to be nonsensical. In my opinion, Congress itself has no power to try that right, and consequently cannot transfer such power to a court; therefore, the decision of such court could not be binding upon either the United States or upon us, who have taken an oath to support the sovereignty at the hazard of our lives, as well as to protect our private property, which is implicated in it.

If the gentleman thinks it his duty to engage in the defence of such a nefarious attempt, I feel myself equally bound as a delegate and an American to oppose it. He has not reflected on the consequences that must flow from the adoption of such a resolution by Congress. Should it pass, it would create an illegal court, vested with a tyrannical power to sanction, if they please, the plundering of a private and public property, and whose decision should be binding upon us, notwithstanding the unanimous protestations of the

inhabitants of my country against such an act of tyranny. Can any gentleman in this House lay his hand upon his heart, and say that he has a right to be unjust, and plunder us at will? If he rejects such an idea with horror, how can he consent to invest any court, or all the courts of the United States with the power of so maltreating us, which they have the power to do with impunity if they choose, and with the example of a court before their eyes who have already done it? It is impossible he can so consent.

Here I am confounded. The uproar excited in my breast is so violent that it robs me of the power of utterance! Must I say what I think? Perhaps that would be saying too much. Must I express my feelings? I have not language adequate to convey them. Cruel position! torturing disappointment! What is here my duty? To support and maintain the sacred right of property, and the yet more sacred rights of the sovereign people. What is the object of my pursuit? Justice. Are the pretensions of the claimants just and right? They are the evidence itself. Who are those claimants? My whole country, and every American who has the love of his country at heart. Justice is, then, my due, and no one has the right to deny it, without declaring himself the enemy of his country. Where shall I look for it? Surely, to those who have the power, and whose most sacred duty it is to render justice. I must then repair to Congress. Such were my impressions, and such are the weight of feeling and obligation that press upon me, that I sink beneath it. I have, however, discharged my duty in the best manner of which I am capable; and this, to myself, must ever prove a rich source of consolation. But, if I cannot succeed in my endeavors to avert the impending ruin, which hangs over the inhabitants of my country like the sword, suspended by a single hair, above the tyrant's table; far from being able to derive the least comfort from all that has been done in support of their just cause, my constituents will consider themselves as victims devoted to persecution, plunder, and tyranny. What will they say? What will they think? What will they feel? What will they do? Listen to the voice of your own consciences; consult the feelings of your own hearts, and the answer will promptly suggest itself. They will say, they will think, they will feel, they will act, just as you would do, if placed in their situation. They must say, "we are not treated as Americans, but as slaves; but what is worse, as tormented and plundered slaves. A despotic court has been imposed upon us, with an unwarrantable power to seize, *ad libitum*, if they choose, upon our private property and sacred rights, and even on those of the sovereign itself, with impunity, without any responsibility, without any control. The Executive has no power to put a stop to this judicial piracy. Congress, who have left to us but a very small portion of those rights, privileges, and immunities, to which we were entitled by the treaty of cession—Congress, considered by us as the impregnable rampart of the small portion

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of civil liberty left to us, have, by the enacting of that law, rendered that remainder of civil liberty a mere mockery, perfectly illusory and useless to us. Congress, by patronizing the usurpers of our country, have justified the nefarious attempt to seize upon the city port, and by sanctioning the means to effect this public robbery, they have not only jeopardized the property of our port, but the property of the whole country, which may at any time be invaded by the same means, to which this law gives full life and vigor." I repeat it, that the property of the whole country may be invaded by the same means, and with a great deal more facility than in the present instance; because this attempt to plunder from us our port, presents so clear a case, and has been so ably defended, that, if we fail to obtain justice, there will remain no hope of obtaining it in any other case which may arise. It ought to be remembered that the measures now recommended proceed from the advocates of our plunderers, and they are, no doubt, believed to be such as are best calculated to secure their prey.

Sir, our usurpers may find more difficulty in succeeding in this audacious attempt than they seem at present to be aware of, notwithstanding their superior knowledge in superior warfare, which has suggested to them the very ingenious invention of new formalities, which they now cry up as indispensable to the correct administration of justice. Persuaded, as I am, of the righteousness of my cause, I cannot consider those formalities as anything more than new snares, in which justice may be entrapped—a mere trick, by which they mean to impose on the deluded defendants, the empty form for the real substance of justice. But, with all their endeavors, they cannot wrest from us the port of our own town by virtue of a new retroactive law, when it has been so long secured to us under the sanction of so many old and salutary laws, which are well understood among us, and which will doubtless be strongly and efficiently urged in supporting the justice of our cause. This undertaking, therefore, appears to me a desperate one, but, unhappily, it is too well calculated to make the defendants despair likewise.

Mr. Chairman, I never in my life before heard any one plead, at least, I never before heard it in this honorable House; and now, unfortunately, it is against the justice of my cause. I feel more sorrow for it than I can express. Perhaps I do not well understand what pleading is, but it strikes me that a pleader is pretty much like a soldier, who fights for victory, leaving the justice of his cause wholly out of the question. If I am correct in my opinion, pleading and legislation are two very different occupations or pursuits. The exalted station of the legislator imposes it upon him, as a sacred duty, to stifle every passion, to subdue every interest, but that of the public good. The path which he is bound to pursue, is traced to him by the eternal hands of justice and equity. He holds, like the Fates, the destinies of the people in his hands. The manners, the virtues, the patriotism, of the nation, take their tone from his

laws. If he deviates from the only true rule of correct legislation, natural justice, and equity, all is lost.

Let us now, for a moment, suppose that this bill, now on your table, may pass; in what a horrid predicament should we find ourselves! It is true, we should have the comfort to have fellow-sufferers of high character and standing, the Executive and Congress; but would that satisfy us? No; the flagrant injustice would remain the same. Our laws, our liberty, our imprescriptible rights as men, our civil rights as citizens, the sacred right of property, and the inalienable sovereign rights, will then have been violated and trampled under foot with impunity. Could we possibly consent to the annihilation of all our rights? Would not our duty as men, as citizens, as Americans, force us to a laudable resistance? Would we not be driven to our last shift, and obliged to appeal to your constituents, and apprise them, to their utter astonishment, of the abuse you had committed on the power they had intrusted to you, in patronizing the violation of all that they have been taught from their infancy to hold sacred, and to maintain, at the hazard of their lives? They would appoint other Representatives, and we, I entertain no doubt, should be righted.

It is the immutable decree of God himself, that no man, or set of men, shall be unjust with impunity. The consequences of injustice are dreadful and unavoidable. A people oppressed by tyranny are like the body when afflicted by sickness—a stranger to ease, and anxious to obtain it; every position is tried, until one less painful than the others is found that may suffer him to take a little rest; so, the victim of tyranny is ever restless in search of relief from his oppression. I know of no other solid basis for a Government, even the most despotic, to rest upon but justice; but certainly, on no other basis can the stupendous fabric of our confederation securely stand. Place it on any other, and it will be like a house erected on the sand—when the winds blow and the rains descend, it will be swept from its foundation.

The Committee rose at three o'clock, reported progress, and obtained leave to sit again—and the House adjourned.

THURSDAY, March 15.

Mr. NEWTON, from the Committee of Commerce and Manufactures, to whom was referred the amendments of the Senate (which postpone the commencement of the bill to June 30,) to the bill to prevent the issuing of sea-letters except to certain vessels, reported an agreement to the same, with an amendment thereto, viz: "Provided, nevertheless, that no sea-letter shall be issued to any vessel which shall not at this time be furnished with or entitled to a sea-letter, unless such vessel shall return to some port or place in the United States or territories thereof on or before the said 30th day of June next."

The report of the Committee was concurred in.

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Commercial Intercourse—Batture at New Orleans.

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Mr. EPPES reported a bill to amend an act entitled "An act to regulate and fix the compensation of clerks and to authorize the laying out certain public roads."—Twice read and committed.

Mr. EPPES reported a bill imposing additional duties upon all goods, wares, and merchandise, imported from any foreign port or place.

[This bill is composed of five sections.

The 1st imposes an additional duty of — per cent. ad valorem on all goods from foreign ports paying a duty ad valorem.

The second imposes an additional duty of — per cent. upon the duties now imposed on goods paying specific duties.

The 3d imposes an addition of ten per cent to the several duties imposed by this act, on all goods imported in vessels not of the United States.

The 4th prescribes the mode of collection.

The 5th continues the law in force to the 1st day of April 1811, and no longer.]

The bill was twice read and committed.

Mr. NEWTON, from the Committee of Commerce and Manufactures, presented a bill for the relief of Tristram Hussey, which was read twice, and committed to a Committee of the Whole on Friday next.

Mr. JOHNSON, from the Committee of Claims, presented a bill concerning invalid pensioners.

Mr. JOHNSON, from the same committee, presented a bill for the relief of Margaret Lapsley.

The House proceeded to consider the message from the Senate of yesterday, upon the subject-matter of the amendments of the Senate to the bill, entitled "An act to provide for the third census, or enumeration of the inhabitants of the United States." Whereupon,

Resolved, That this House doth insist on their disagreement to the amendments aforesaid, agree to the conference asked by the Senate upon the subject-matter thereof, and appoint Mr. FISK, Mr. PIRKIN, and Mr. MACON, managers at the said conference on their part.

COMMERCIAL INTERCOURSE.

Mr. MACON made the following report, which was ordered to be printed:

"The conferees on the part of the two Houses on the disagreeing votes on the bill 'respecting commercial intercourse between the United States and Great Britain and France, and for other purposes,' have met, and those on the part of the House of Representatives report, That they have met the conferees on the part of the Senate, and that they have not agreed on any modification of the bill, nor have either agreed to recede.

"The conferees on the part of the Senate made a proposition to insert, in the room of the sections stricken out, the following: 'Be it further enacted, that the President of the United States be and he hereby is authorized to employ the public armed vessels of the United States in conveying the merchant vessels of the United States, wholly owned by a citizen or citizens thereof, and laden with cargoes wholly the property of a citizen or citizens of the United States, and to issue instructions which shall be conformable to the laws and usages of nations, for the government of

the ships which may be employed in conveying such merchant vessels.' To which the conferees on the part of the House disagreed.

"The conferees on the part of the House of Representatives made the following proposition: 'To permit British merchant vessels to import into the United States British produce and manufactures, but not to export any article whatever: to permit French merchant vessels to import into the United States French produce and manufactures, but not to export any article whatever, to retain the 10th and 13th sections; and to explain the 12th section, touching the penalties and forfeitures under the embargo act. To whom the conferees on the part of the Senate disagreed.'

BATTURE AT NEW ORLEANS.

The order of the day on the bill respecting the batture being called for—

Mr. BASSETT moved to postpone the further consideration of the bill till Monday next.—Negatived, 61 to 45.

The motion, under consideration when the House yesterday adjourned, to strike out the whole of the bill, was warmly debated at considerable length; Messrs. POINDEXTER, SHEPHERD, ROSS, and BOYD, opposing it, and Messrs. BINN, TROUP, TAYLOR, and HOLLAND, supporting it.

The motion was negatived, 57 to 51.

After further progress the Committee rose, reported progress, and asked leave to sit again; which was refused. The bill is now directly before the House.

FRIDAY, March 16.

A motion was made by Mr. FISK that the House do now adjourn, and the question being taken thereon, it was determined in the negative, yeas 5, nays 43.

The bill presented yesterday concerning invalid pensioners was read twice, and committed to a Committee of the Whole on Friday next.

The bill, also presented yesterday, for the relief of Margaret Lapsley was read twice, and committed to a Committee of the Whole on Friday next.

Mr. McKIM, from the committee appointed on the thirteenth instant, presented a bill to alter the times for holding the circuit court of the United States for the District of Maryland, which was read twice, and committed to a Committee of the Whole on Thursday next.

Mr. MORROW, from the Committee on the Public Lands, made a report on the petition of a committee appointed by the Baptist church at Salem meeting-house, in the Mississippi Territory.

An engrossed bill regulating the Post Office Establishment was read the third time, and passed.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act for altering the time for holding the District Court in Ohio;" to which they desire the concurrence of this House.

The House resolved itself into a Committee of the Whole on the bill for the relief of Amey Dardin. The bill was reported without amendment and ordered to be engrossed, and read the third time to-morrow.

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Mrs. Hamilton's Claim.

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MRS. HAMILTON'S CLAIM.

The House resolved itself into a Committee of the Whole, on the bill for the relief of Elizabeth Hamilton.

Messrs. SMILIE, ROOT, W. ALSTON, BACON, MACON, CLAY, and BOYD, opposed the bill, and Messrs. JOHNSON, SHEFFEY, and NELSON, supported it.

The Committee rose about four o'clock and reported the bill.

Mr. MACON, moved to amend the said bill by striking out the following words: "five years full pay for the services of her said deceased husband as a Lieutenant Colonel in the Revolutionary war, which five years full pay is the commutation of his half pay for life;" for the purpose of inserting, "whatever may be due to her for his services as an officer during the Revolutionary war."

Mr. GHOLSON called for a division of the question.

And the motion to strike out was negatived, yeas 57, nays 54, as follows:

YEAS—Lemuel J. Alston, Willis Alston, jun., William Anderson, Ezekiel Bacon, David Bard, William W. Bibb, Adam Boyd, Robert Brown, William Butler, Joseph Calhoun, Matthew Clay, John Clopton, James Cochran, Orchard Cook, James Cox, William Crawford, Joseph Desha, William Findley, Meshack Franklin, Gideon Gardner, David S. Garland, Peterson Goodwyn, James Holland, Jacob Hufty, William Kennedy, Aaron Lyle, Nathaniel Macon, Robert Marion, Alexander McKim, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, Thomas Newbold, John Porter, John Rea of Pennsylvania, John Rea of Tennessee, Matthias Richards, John Roane, Erastus Root, Ebenezer Sage, Thos. Sammons, Ebenezer Seaver, Samuel Shaw, John Smilie, George Smith, John Smith, Samuel Smith, Henry Southard, Richard Stanford, Charles Turner, jr., Robert Weakley, Robert Whitehill, Richard Winn, and Robert Witherspoon.

NAYS—Burwell Bassett, Daniel Blaisdell, James Breckenridge, John Campbell, John C. Chamberlain, William Chamberlin, Epaphroditus Champion, Martin Chittenden, Howell Cobb, Samuel W. Dana, John Davenport, jr., William Ely, James Emott, Jonathan Fisk, Thomas Gholson, Thomas R. Gold, William Hale, Nathaniel A. Haven, Daniel Heister, Benj. Howard, Jonathan H. Hubbard, Richard Jackson, jun., Richard M. Johnson, Walter Jones, Philip B. Key, Herman Knickerbacker, Joseph Lewis, jr., Edward St. Loc Livermore, Robert Le Roy Livingston, Vincent Matthews, Archibald McBryde, Pleasant M. Miller, William Milnor, Jonathan O. Moseley, Roger Nelson, Thomas Newton, Joseph Pearson, Benjamin Pickman, jun., Timothy Pitkin, jun., Elisha R. Potter, Josiah Quincy, John Randolph, John Ross, Daniel Sheffey, Dennis Smelt, John Stanley, James Stephenson, Lewis B. Sturges, Jacob Swoope, Samuel Taggart, John Taylor, Nicholas Van Dyke, Archibald Van Horn, Killian K. Van Rensselaer, Laban Wheaton, Ezekiel Whitman, and James Wilson.

Mr. W. ALSTON moved to amend the bill by adding the following proviso:

"Provided, That it shall be made appear, to the satisfaction of the accounting officers of the Treasury Department, that the said Alexander Hamilton ever was entitled to half pay or commutation."

The movers of these two amendments and Mr. Root declared themselves hostile to the bill, even if the amendment was adopted, but contended that it would precisely limit the provision of the bill to the object which its advocates professed to have in view, viz: to relax the statute of limitations in favor of the claim, and to place it in the same situation as it would have been in if no such statute had ever been passed.

These amendments were opposed by Messrs. SHEFFEY, NELSON, and PITKIN. It was said that the first would defeat the object of the bill, as the petitioner did not claim arrears of pay due to him, but half pay or commutation. The second amendment was objected to as referring to the accounting officers of the Treasury, the decision of a question already once solemnly decided by the House, viz: whether General Hamilton did serve to the end of the war or not? There was, it was said, no calculations or examinations of vouchers necessary in this case, as the bill made a specific appropriation; and there was therefore no occasion to refer the settlement to the accounting officers of the Treasury.

The question on Mr. ALSTON's amendment was decided in the negative—yeas 55, nays 56, as follows:

YEAS—Lemuel J. Alston, Willis Alston, jun., William Anderson, Ezekiel Bacon, David Bard, William W. Bibb, Adam Boyd, Robert Brown, William A. Burwell, William Butler, Joseph Calhoun, Matthew Clay, John Clopton, James Cochran, Orchard Cook, James Cox, William Crawford, Joseph Desha, William Findley, Meshack Franklin, Gideon Gardner, David S. Garland, Peterson Goodwyn, James Holland, Jacob Hufty, William Kennedy, Aaron Lyle, Nathaniel Macon, Robert Marion, Alexander McKim, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, Thomas Newbold, John Porter, John Rea of Pennsylvania, John Rea of Tennessee, Matthias Richards, John Roane, Erastus Root, Ebenezer Sage, Thomas Sammons, Ebenezer Seaver, Samuel Shaw, John Smilie, George Smith, Henry Southard, Richard Stanford, Charles Turner, jr., Robert Weakley, Robert Whitehill, Richard Winn, and Robert Witherspoon.

NAYS—Daniel Blaisdell, James Breckenridge, John Campbell, John C. Chamberlain, William Chamberlin, Epaphroditus Champion, Martin Chittenden, Howell Cobb, Samuel W. Dana, John Davenport, jr., William Ely, James Emott, Jonathan Fisk, Thomas Gholson, Thomas R. Gold, William Hale, Nathaniel A. Haven, Daniel Heister, Benjamin Howard, Jonathan H. Hubbard, Richard Jackson, jr., Richard M. Johnson, Walter Jones, Philip B. Key, Herman Knickerbacker, Joseph Lewis, jun., Edward St. Loc Livermore, Robert Le Roy Livingston, Vincent Matthews, Archibald McBryde, Pleasant M. Miller, William Milnor, Jonathan O. Moseley, Roger Nelson, Thomas Newton, Joseph Pearson, Benjamin Pickman, jr., Timothy Pitkin, jr., Elisha R. Potter, Josiah Quincy, John Randolph, John Ross, Daniel Sheffey, Dennis Smelt, John Stanley, James Stephenson, Lewis B. Sturges, Jacob Swoope, Samuel Taggart, John Taylor, Nicholas Van Dyke, Archibald Van Horn, Killian K. Van Rensselaer, Laban Wheaton, Ezekiel Whitman, and James Wilson.

And on motion, the House then adjourned about five o'clock.

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Claim of Amey Dardin—Claim of Mrs. Hamilton.

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SATURDAY, March 17.

A motion was made by Mr. LIVERMORE, that the House do now adjourn: and the question being taken thereon, it was determined in the negative—yeas 13, nays 51.

The report made yesterday by the Committee on the Public Lands, on the petition of a committee appointed by the congregation of the Baptist church at Salem, in the Mississippi Territory, was read, and the resolution therein contained concurred in by the House, as follows:

Resolved, That five acres of land, including the ground on which the Baptist meeting-house at Salem, in the Mississippi Territory, is built, be reserved from sale, for the use of the Baptist society at that place.

Ordered, That a bill be brought in, pursuant to the said resolution; and that the Committee on the Public Lands do prepare and bring in the same.

A Message from the President of the United States, received yesterday, was read, transmitting copies of a treaty with the Kickapoo tribe of Indians, for the extinguishment of their title to certain lands within the Indiana Territory, involving conditions which require legislative provision.—Referred to the Committee of Ways and Means.

The bill sent from the Senate, entitled, "An act for altering the time for holding the District Court of Ohio," was read twice and ordered to be read the third time on Monday next.

On motion of Mr. SAWYER,

Resolved, That a committee be appointed to inquire into the expediency of altering or extending the time of holding the Federal District Courts of North Carolina.

Mr. SAWYER, Mr. WINN, Mr. HOLLAND, Mr. MILLER, and Mr. GRAY, were appointed a committee, pursuant to the said resolution.

A motion was made by Mr. RHEA of Tennessee, that the Committee on Post Offices and Post Roads have liberty to sit until twelve o'clock in each day hereafter, although the House be in session, until they be ready to report.

A motion was then made by Mr. VAN HORN to amend the said motion, by inserting after the words "Post Roads" "and the Committee on the affairs of the District of Columbia." And the question being taken thereon, it was determined in the negative.

The question recurring on the original motion as proposed by Mr. RHEA, it was determined in the negative.

AMEY DARDIN'S CLAIM.

The bill for the relief of Amey Dardin was read a third time.

Mr. STANFORD moved to recommit the bill to obtain a more particular report on the claim than had been made. Motion negatived.

The passage of the bill was opposed by Messrs. MACON, BACON, PICKMAN, and STANFORD, and advocated by Messrs. GHOLSON, SMILIE, W. ALSTON, and SHEFFEY.

[It was opposed on three grounds—the main objection being that it opened the statute of limita-

tions; 2, that the claim ought not to be allowed, because the horse for which compensation was asked might have been reclaimed if the deceased Mr. Dardin had chosen to have received it; 3, that interest ought not to be allowed on the sum at which the horse was valued.]

The bill was passed—yeas 82, nays 24, as follows:

YEAS—Lemuel J. Alston, Willis Alston, jr., William Anderson, Burwell Bassett, James Breckenridge, John Campbell, John C. Chamberlain, William Chamberlin, Epaphroditus Champion, Martin Chittenden, Matthew Clay, John Clopton, Richard Cutts, John Davenport, jun., Joseph Desha, William Ely, James Emott, John W. Eppes, William Findley, Jonathan Fisk, David S. Garland, Thomas Gholson, Peterson Goodwyn, Thomas R. Gold, Edwin Gray, William Hale, Nathaniel A. Haven, Daniel Heister, James Holland, Benjamin Howard, Jonathan H. Hubbard, Richard M. Johnson, Philip B. Key, Herman Knickerbacker, Joseph Lewis, jr., Edward St. Loe Livermore, Robert Le Roy Livingston, John Love, Robert Marion, Vincent Matthews, Archibald McBryde, Samuel McKee, Alexander McKim, William Milnor, Thomas Moore, Jeremiah Morrow, Roger Nelson, Thomas Newbold, Thomas Newton, John Nicholson, Joseph Pearson, Benjamin Pickman, jun., Peter B. Porter, Josiah Quincy, John Rea of Pennsylvania, John Ross, Ebenezer Sage, Adam Seybert, Samuel Shaw, Daniel Sheffey, Dennis Smelt, John Smilie, George Smith, John Smith, Henry Southard, Richard Stanford, John Stanley, James Stephenson, Lewis B. Sturges, Jacob Swoope, Samuel Taggart, John Taylor, George M. Troup, Jacob Upham, Nicholas Van Dyke, Archibald Van Horn, Killian K. Van Rensselaer, Laban Wheaton, Richard Winn, and Robert Witherspoon.

NAYS—Ezekiel Bacon, William W. Bibb, Adam Boyd, Robert Brown, William A. Burwell, William Butler, Joseph Calhoun, James Cochran, James Cox, William Crawford, Jacob Hufty, William Kennedy, Aaron Lyle, Nathaniel Macon, Nicholas R. Moore, John Porter, Matthias Richards, John Roane, Erastus Root, Thomas Sammons, Lemuel Sawyer, Ebenezer Seaver, and Charles Turner, jr.

MRS. HAMILTON'S CLAIM.

The consideration of the bill for the relief of Mrs. Hamilton was called for.

Mr. WINN moved to adjourn. For it. 23.

Mr. ROOT moved to postpone the further consideration of it till Friday next. Negatived, 57 to 43.

Mr. ROOT opposed the bill at length, and Mr. FISK replied.

The question "Shall the bill be engrossed for a third reading?" was then taken and carried, by yeas and nays, as follow:

YEAS—Burwell Bassett, Daniel Blaisdell, James Breckenridge, John Campbell, John C. Chamberlain, William Chamberlin, Epaphroditus Champion, Martin Chittenden, Howell Cobb, Samuel W. Dana, John Davenport, jr., William Ely, James Emott, Jonathan Fisk, Thomas Gholson, Thomas R. Gold, William Hale, Nathaniel A. Haven, Daniel Heister, Benjamin Howard, Jonathan H. Hubbard, Richard Jackson, jr., Richard M. Johnson, Philip B. Key, Herman Knickerbacker, Joseph Lewis, jr., Edward St. Loe Livermore, Robert Le Roy Livingston, John Love, Vincent Matthews,

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Archibald McBryde, Pleasant M. Miller, William Milnor, Jeremiah Morrow, Jonathan O. Moseley, Gurdon S. Munford, Roger Nelson, Thomas Newton, Joseph Pearson, Benjamin Pickman, jr., Timothy Pitkin, jr., Peter B. Porter, Elisha R. Potter, Josiah Quincy, John Randolph, John Ross, Adam Seybert, Daniel Sheffey, Dennis Smelt, John Stanley, James Stephenson, Lewis B. Sturges, Jacob Swoope, Sam. Taggart, John Taylor, Uri Tracy, Jabez Upham, Nicholas Van Dyke, Archibald Van Horn, Killian K. Van Rensselaer, Laban Wheaton, Ezekiel Whitman, and James Wilson.—54.

NAVE—Jeremiah J. Alston, Willis Alston, jr., William Anderson, Ezekiel Bacon, David Bard, William W. Bibb, Adam Boyd, Robert Brown, William A. Burwell, William Butler, Joseph Calhoun, Matthew Clay, John Clopton, James Cochran, James Cox, William Crawford, Joseph Desha, William Findley, Meshack Franklin, Gideon Gardam, David S. Garland, Peterson Goodwyn, James Holland, Jacob Huffy, William Kennedy, Aaron Lyle, Nathaniel Macon, Robert Marion, Alexander McKim, Nicholas R. Moore, Thomas Moore, Thomas Newbold, John Porter, John Rea of Pennsylvania, John Rhea of Tennessee, Matthias Richards, John Roane, Erastus Root, Ebenezer Sage, Thomas Sammons, Lemuel Sawyer, Ebenezer Seaver, Samuel Shaw, John Smilie, George Smith, John Smith, Samuel Smith, Henry Southard, Richard Stanford, Charles Turner, jr., Robert Weakley, Robert Whitehill, Richard Winn, and Robert Witherspoon.—63

On the question when the bill should be read a third time, Mr. Root named Friday and Mr. NELSON to-day.

For Friday 44—For Monday 50.

To-day was fixed as the day; and a motion was made by Mr. T. MOORE to adjourn. Lost, 63 to 50.

The bill was read a third time and passed, 63 to 53, the votes being precisely the same as those last taken, except that Mr. R. BROWN was absent on this vote.

DETACHMENT OF MILITIA.

On motion of Mr. CLAY, the House resumed the consideration of the bill authorizing a detachment of the militia of the United States.

Mr. PITKIN rose to propose an amendment to the bill, (relative to the mode of distributing arms to volunteers,) and had made some progress in his remarks in support of it, when, at the instance of Mr. LIVERMORE, he gave way for a motion to adjourn, which was decided 43 to 33.

MONDAY, March 19.

A message from the Senate informed the House that the Senate adhere to their amendments to the bill, entitled "An act concerning the commercial intercourse between the United States and Great Britain and France, and for other purposes."

A motion was made by Mr. LIVERMORE, that the House do come to the following resolution:

Resolved, That the Committee on Post Offices and Post Roads be instructed to inquire into the expediency of authorizing the Postmaster General to contract for carrying a mail between Boston and Newburyport, in the State of Massachusetts, over the Newburyport turnpike road; with leave to report by bill or otherwise.

A motion was made by Mr. RHEA, of Tennessee,

that the said resolution do lie on the table; and the question being taken thereon, it was determined in the negative.

The question was then taken to agree to the resolution, and determined in the affirmative.

The bill sent from the Senate, entitled "An act for altering the time of holding the District Court of Ohio," was read the third time, and passed.

ADJOURNMENT.

Mr. McKEE called for the consideration of his resolution, relative to adjournment, of the 2d of April.

Mr. STANLEY moved to amend it by striking out "the 2d of April," and inserting "the third Monday in April."—The motion was lost.

Mr. W. ALSTON moved to refer the resolution to a committee to be appointed by this House, to join with such committee as should be appointed by the Senate, for the purpose of inquiring and reporting what business was necessary to be done previous to adjournment, and also at what day Congress would, in their opinion, be prepared to adjourn.

[This motion was supported by several gentlemen, on the ground that it was the ordinary course of proceeding, and would be but respectful to the Senate, as it was the only means of knowing what business that body had before it. If a different course was pursued, the two Houses having different business in view, might each embarrass the other's proceedings.]

It was opposed on the ground that such a course would only produce delay. Mr. SMILIE and others were for adjourning at the earliest possible day. It was admitted that the course proposed was usual, but it was said that the report of the joint committee formed no guide for the conduct of the House, who as often departed from as adhered to its recommendations. If the day expressed in the resolution did not coincide with the ideas of the Senate, it was at their option to amend it.]

The question was taken on referring the resolution to a joint committee, and carried, 75 to 32.

Messrs. W. ALSTON, PITKIN, FINDLEY, SOUTHARD, and RHEA of Tennessee, were appointed a committee on the part of this House.

DETACHMENT OF MILITIA.

The House again resumed the consideration of the bill authorizing a detachment of the militia of the United States.

Mr. PITKIN rose to offer an amendment to this bill, with a view to make it conformable with the course heretofore pursued by Congress, and which he hoped never to see departed from. He proposed to strike out the fifth section of the bill, which regulates the mode in which arms shall be distributed to the different places of deposit, with a view to the insertion of a substitute. The act passed in 1808, for arming the whole body of the militia of the United States, provided that all the arms procured under it should be transmitted to the several States and Territories, in proportion to the number of effective militia in such

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States and Territories, to be distributed according to such rules and regulations as their respective Legislatures should provide. This, Mr. P. said, had been done, because in some States where the militia were already armed, it might be deemed better to keep the arms in arsenals than to distribute them to individuals. If the situation of the country was such that a detachment of militia was necessary, either for offence or defence, and the arms were to be therefor taken out of the arsenals of the United States, they ought to be distributed on the principle of the former law. As the bill stood at present, all the arms of the country might be taken out of the arsenals to furnish those with the arms who might merely volunteer for the purpose of obtaining them. Those of the militia who had complied with the laws, and purchased their own arms at an expense of fifteen or twenty dollars each or more, might be taxed to pay for the arms of those who had not complied with the law. If any one thing could rouse the indignation of those who had furnished themselves with arms, it would be thus to tax them to purchase arms for those who had neglected their duty.

The acts of the United States, and of the several States, he said, had been predicated upon the principle that every freeman shall furnish himself with arms; and it was a principle which ought not to be departed from in any country whatever. The man who purchased his own arms would feel proud of them, and when called upon for his country's service, would use them with spirit. He wished it inculcated on the mind of every man in the country that when he arrived at a certain age he was to purchase his own musket, and not be dependant on the Government for it. If a contrary principle were to be established at this time of day, in what manner, he asked, would it operate? In some of the States, much the largest proportion (nearly all) of the militia had been in the habit of furnishing themselves with arms. Where that was the case, they did not want arms. If they were taxed for the arms for the people of other States, it would be encouraging a violation of the laws, and offering a premium for neglecting the duty of a citizen. He was, therefore, opposed to the bill on the ground of distributing arms, unless it went on the principle Congress had heretofore adopted on this subject. He wanted no invidious distinctions.

If these arms were to be given to the volunteers because they were liable to be called into service, Mr. P. said he was also opposed to the bill on that ground. It was establishing a dangerous precedent. In the first place, said he, what is this bounty? You give a bounty to a man who shall thus enlist under the possibility (and mere possibility) of his being called out of the United States, and that only for nine months' service, of the value of near twenty dollars. The bounty you give for an enlistment in the regular service for five years is but ten dollars. Is not this then unequal? It certainly is. But very few gentlemen would say that there was a

probability of these volunteers being called out at all. They would hardly suppose that any Administration would undertake to invade Canada with men engaged for nine months' service only, and these taken from the militia of the country. These persons would merely have to encamp (in what manner he could not divine) ten days successively in each year for two years, during which days they were to receive pay and rations, and for this service, all that could be contemplated for them to perform, they were to receive a bounty of near twenty dollars! He was opposed to so dangerous an amendment. If gentlemen were disposed to arm the militia, why did they take this roundabout way, and go to an expense of nearly one million for pay and rations of 100,000 men for twenty days, in order to distribute 100,000 stand of arms?

Mr. P. said that he for one did not believe, after these volunteers had been encamped ten days, that they would be any better fitted for service than by common militia duty. In the country from which he came, the citizens were subjected to as much militia duty in a year as he believed would be at least equally as advantageous as ten or twenty days' encampment. It would be rather a scene of riot than anything else. He would not, therefore, give a bounty of twenty dollars for this purpose. He did not recollect any instance in which arms had been given to a people to become their own, except in the Revolutionary war. By an act of Congress at the close of the war, those old soldiers who had fought bravely during an eight years war, were allowed to keep possession of their arms—the companions of their toil—and they deserved them well.

There were various other objections, he said, to the details of the bill. In what way were the arms to be kept? The bill spoke of arsenals: 100,000 stand of arms were to be taken from the arsenals of the United States, and placed at different places—a greater number than the United States had in their possession fit for service. How were they to be kept for these two years? In arsenals. And how many of these arsenals were there to be? If the commandant of each State's proportion thought proper to discipline the corps by companies, there must be as many arsenals as companies. There might be two thousand places of rendezvous, and at each of these places, by the bill, was to be an armorer at twenty dollars per month. But suppose the corps was disciplined by battalions. There must be four or five hundred different places of deposit. For the purpose of arsenals, houses would have to be purchased or rented. No guards were spoken of for the arsenals. He should himself be sorry to see the arms of the United States distributed throughout the country without protection. They would be lost in all probability in two years. These rents of houses would cost the United States a pretty item, and it would be placed in the power of an officer of militia to make contracts for the United States to the amount of many thousands of dollars.

For the reasons he had stated, and which he

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called upon gentlemen seriously to consider, Mr. P. said he was opposed to furnishing arms as proposed. The laws of Connecticut were rigid in respect to arming. If a person arriving at a certain age did not furnish himself with a musket, the town from which he came was obliged to furnish him at the expense of that town; and he asked, under such circumstances, would not gentlemen distribute the arms according to States, and not give them to individuals who had not considered themselves bound to obey the laws? The States would then place the arms where they pleased, and there would be no expense to the United States for rents or armors.

Mr. P. concluded by moving to strike out the fifth section, and insert the following:

"And be it further enacted, That within one month after a return of such detachment and volunteers shall be made to the Department of War, the Secretary of War shall cause to be transmitted to the several States and Territories of the United States, from the arsenals of the United States, — thousand stands of arms; the number to be transmitted to each State and Territory to be in proportion to the number of effective men therein, to be distributed to militia in each State and Territory, under such rules and regulations as shall be by law prescribed by the Legislatures thereof respectively, according to the act of the 23d of April, 1808, entitled "An act making provision for arming and equipping the whole body of the militia of the United States."

Mr. CLAY said that the gentleman's amendment went to defeat the bill, the object of which was to arm the militia volunteering, and not to arm them generally. As to arsenals, there would not be so many wanted as the gentleman supposed. There were perhaps fifty already established. At Harper's Ferry there were 30,000 stand of arms, he believed, without a guard. At Springfield, 50,000 in the same situation. At the places of deposit now in existence, no expense would be incurred, because no more than the ordinary attendance would be necessary. By the gentleman's amendment, arms would be bestowed where they were not wanted, and every gentleman must see the propriety of rejecting the amendment.

Mr. DANA said, that if gentlemen reporting a bill were to take it for granted that the bill they report is adapted precisely to the object they profess to have in view; if it were to be taken as an agreed point that in the arrangement of bills committees were infallible; if all discussion is to be viewed as resulting from improper views, the observations of the gentleman from Virginia would be perfectly proper. But, Mr. D. said, that the chairman of the committee, (Mr. CLAY,) notwithstanding the magnitude of the committee, notwithstanding he commanded a platoon of nineteen members of the House, would not, he presumed, say that amendment might not be made to the bill. If that argument were valid, it would be useless to discuss the details of the bill. As he did not himself admit the correctness of this procedure; as it was an assumption bold in theory, and without the evidence of ex-

perience to prove the fact of the infallibility of every committee appointed, Mr. D. said he thought it proper to examine whether the provisions of this bill corresponded with the standing regulations of the country.

Mr. D. proceeded to discuss the amendment. If the bill at present proposed a mode of distributing arms different from that prescribed by former laws, why should it not be amended as proposed? Had the course heretofore pursued been found improper or ineffectual? One of the arguments in favor of the bill he had understood to be that it provided for dispersing the arms of the United States, and preserving them from decay. If the system of dispersing them already provided was more systematic, more cheap, and more adapted to the purposes of defence than that contained in the bill, why attempt to scout that system of distribution to make way for this? It was too much to require the House to abandon their former course, merely because a committee had reported in favor of doing so.

Mr. D. said that his reason for being in favor of the amendment was, that it was in pursuance of the system already in existence for arming the militia; that it came in aid of that system, adding arms to the fund already provided for arming the whole body of the militia of the United States, and accomplishing one great object of that law more efficiently and less expensively than the present bill.

Mr. ANDERSON called for a division of the question.

And the question was taken for striking out the fifth section, and decided in the negative—yeas 40, nays 70, as follows:

YEAS—Daniel Blaisdell, James Breckenridge, John C. Chamberlain, William Chamberlin, Epaphroditus Champion, Martin Chittenden, Samuel W. Dana, John Davenport, jun., William Ely, James Emott, Thomas R. Gold, William Hale, Nathaniel A. Haven, William Helms, Jonathan H. Hubbard, Richard Jackson, jun., Robert Jenkins, Philip B. Key, Joseph Lewis, junior, Edward St. Loe Livermore, Robert Le Roy Livingston, Vincent Matthews, Wm. Milnor, Jonathan O. Moseley, Joseph Pearson, Benjamin Pickman, jr., Timothy Pitkin, jr., Elisha R. Potter, Josiah Quincy, Daniel Shofsey, John Stanley, Lewis B. Sturges, Samuel Taggart, Jabez Upham, Nicholas Van Dyke, Arch'd Van Horn, Killian K. Van Rensselaer, Laban Wheaton, Ezekiel Whitman, and James Wilson.

NAYS—Lemuel J. Alston, Willis Alston, jr., William Anderson, Ezekiel Bacon, David Bard, Burwell Bassett, William W. Bibb, Adam Boyd, Robert Brown, William Butler, Joseph Cathoun, Matthew Clay, John Clopton, Howell Cobb, James Cochran, James Cox, William Crawford, Richard Cutts, Joseph Desha, William Findley, Meshack Franklin, Gideon Gardner, David S. Garland, Peterson Goodwyn, Edwin Gray, James Holland, Benjamin Howard, Jacob Hufty, Richard M. Johnson, Walter Jones, William Kennedy, Aaron Lyle, Robert Marion, Samuel McKee, Alexander McKim, Pleasant M. Miller, Nicholas R. Moore, Thos. Moore, Gurdon S. Mumford, Roger Nelson, Thomas Newbold, Thomas Newton, John Porter, Peter B. Porter, John Rea of Pennsylvania, John Rhea of Tennessee, Matthias Richards, John Roane, Erastus Root, John Ross,

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Ebenezer Sage, Thomas Sammons, Lemuel Sawyer, Ebenezer Seaver, Adam Seybert, Samuel Shaw, Dennis Smelt, John Smilie, George Smith, John Smith, Henry Southard, Rich'd Stanford, John Taylor, John Thompson, Uri Tracy, George M. Troup, Charles Turner, Jr., Robert Weakley, Richard Winn, Robert Witherspoon.

Mr. DANA said he had an amendment to propose, to which he presumed there could be no objection, except upon the supposition that there was so much perfection in the bill that it could not be amended. The bill proposed authorizing a detachment of militia, and also authorized the acceptance of volunteers, to whom on certain conditions arms were to be given. Mr. D. said gentleman would recollect that in the accounts laid before Congress from the Department of War of the returns of militia under the two last requisitions, it appeared that from some States no returns had been received; from some of the States mention was made of volunteers and detachments, and from some States, complaints were made of not having means for arming and equipping them. Gentlemen would see, he said, that, as respected detachments, arming and equipping them according to law, constituted the burden and inequality and oppressiveness of these requisitions. If it was merely a call for men in proportion to population, it might be fair; but when it was required to provide them with arms and equipments, then the rule by which Congress levied direct contribution was unequal. If the United States were to furnish arms, this bill would be liberated from one great objection which he had to it formerly. As far forth as the militia were required to furnish equipments for the detachment, so far forth were they required to contribute property; which contribution being unequally levied, was so far not conformable to the spirit of the Constitution. To remedy this inequality he proposed that the militia detached, as well as the volunteers, should be furnished with arms by the United States, for which purpose he offered the following section as an amendment to the bill:

"And that in case of a return of any detachment of militia from a State or Territory in pursuance of the first section of this act, there shall be furnished by the United States a number of muskets and other accoutrements required by law equal to the whole number of non-commissioned officers and privates so detached, and the same shall be transmitted to such State or Territory for the use of the detachment when called into actual service, and eventually may be distributed to the militia in the State or Territory, under such rules and regulations as shall be prescribed by the Legislature thereof, according to the act of the 23d of April, 1808, entitled 'An act making provision for arming and equipping the whole body of the militia of the United States.'"

Mr. CLAY said that a law was already in existence, having for its object the progressive arming of the militia, and the intention of this bill was immediately to arm such as should volunteer. This amendment was like the other, intended to defeat the bill. Mr. C. said he had understood the gentleman from Connecticut (Mr. DANA) to

ask him when he was up before, whether he meant to think for the whole House. In answer to this, Mr. C. said, that if some gentlemen would think more and talk less, it would be a great economy of time, and an advantage to the public business, and he recommended this remark to the consideration of the gentleman and his friends.

Mr. SHEFFEY said if his colleague had attended a little more to the amendment under consideration, he would not have pronounced it similar to the one rejected. Why did they arm the volunteers? Because they were to be engaged in the public service. Either the public exigency demanded them, or it did not. If it did not, there was no occasion for calling them out. If it did, why arm the volunteers and not the militia? If it was intended to have an effective force of 100,000 men, to be composed of volunteers and draughted militia, all ought to be equally armed if any were. The House had said that the volunteers should be armed at the expense of the Government, and why ought not the other portion of the same force be armed also?

Mr. CLAY said if his colleague had attended to the militia law, he would not have run into the blunder he had got into. Every militiaman was bound to supply himself with arms. There was a great difference between the service of the two descriptions comprised in this bill, and arms were to be given to volunteers as an encouragement to them to engage.

Mr. DANA said the gentleman had "answered" his question by way of giving advice. It so happened that persons were sometimes very ready to give advice when others did not ask it of them. If the gentleman really meant his observation as a reply to a question, it was really only an evidence of the precision of his logic. Every volunteer engaging, Mr. D. said, must previously belong to the militia; and, by the gentleman's own reasoning, as every militiaman was bound to be completely armed, the provision for giving them arms must be superfluous. But, as the House had determined to give arms to those volunteering, Mr. D. said he was disposed to place both species of force on an equality.

Mr. DANA's motion was negatived by yeas and nays—67 to 38.

[The yeas and nays on this question were the same as on Mr. PITKIN's motion, except that Messrs. W. ALSTON, BACON, BIRB, GHOLSON, HAVEN, HOWARD, KNICKERRACKER, MCKEE, and MCMFORD, who voted on that question were absent on this. Mr. COOK, absent before, now voted in the affirmative; and Mr. J. C. CHAMBERLAIN, who voted in the affirmative before, on this motion voted in the negative.]

Mr. HALE wished to propose an amendment, which would offer encouragement to those persons already armed to volunteer, or at least place them on the same footing with those who had neglected their duty. With this view, he offered the following section as an amendment:

"And be it further enacted, That any volunteer who is armed and equipped according to law, and shall

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retain his arms during the time of his enlistment, shall receive therefor in money an amount equal to the value of such arms and equipment, to be estimated by the Secretary of War."

Mr. KEY was opposed to this amendment, principally because it was necessary that all the arms of men in the same body should be alike and of the same calibre.

Mr. ELY observed that the present militia laws of the United States required a particular description of arms, which were not admitted to pass inspection unless they were of that description. Mr. E. further remarked, that although the United States had now nominally 150,000 stand of arms, they had not 100,000 fit for service, and it therefore seemed proper that individuals should be permitted to receive compensation for the arms already in service.

Mr. DANA quoted the law to show that the arms with which citizens are required by law to furnish themselves were to be of a certain description, the standard of which was fixed by law.

The question was taken on Mr. HALE's motion and decided in the negative—yeas 73, nays 34, as follows:

YEAS—Daniel Blaisdell, James Breckenridge, Wm. Chamberlin, Epaphroditus Champion, Martin Chittenden, Samuel W. Dana, John Davenport, jr., William Ely, James Emott, Thomas R. Gold, William Hale, Jonathan H. Hubbard, Richard Jackson, junior, Robert Jenkins, Herman Knickerbacker, Joseph Lewis, jun., Edward St. Lee Livermore, Robert Le Roy Livingston, Jonathan O. Moseley, Benjamin Pickman, jr., Timothy Pitkin, junior, Elisha R. Potter, Josiah Quincy, James Stephenson, Lewis B. Sturges, Jacob Swoope, Samuel Taggart, John Thompson, Jabez Upham, Arch'd Van Horn, Killian K. Van Rensselaer, Laban Wheaton, Ezekiel Whitman, and James Wilson.

NAYS—Lemuel J. Alston, David Bard, Burwell Bassett, William W. Bibb, Adam Boyd, Robert Brown, William A. Burwell, William Butler, Joseph Calhoun, Matthew Clay, John Clopton, Howell Cobb, James Cochran, James Cox, William Crawford, Rich'd Cutts, Joseph Desha, William Findley, Jonathan Fisk, Meshack Franklin, Gideon Gardner, David S. Garland, Thomas Gholson, Peterson Goodwyn, Daniel Heister, James Holland, Benj'n Howard, Jacob Hufty, Richard M. Johnson, Walter Jones, William Kennedy, Philip B. Key, John Love, Aaron Lyle, Robert Marion, Alexander McKim, Pleasant M. Miller, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, Roger Nelson, Thomas Newbold, Thomas Newton, John Nicholson, John Porter, Peter B. Porter, John Rea of Pennsylvania, John Rhea of Tennessee, Matthias Richards, John Roane, Erastus Root, Ebenezer Sage, Thos. Sammons, Lemuel Sawyer, Ebenezer Seaver, Adam Seybert, Daniel Shelley, Dennis Smelt, John Smilie, George Smith, John Smith, Samuel Smith, Henry Southard, Richard Stanford, John Stanley, John Taylor, Uri Tracy, George M. Troup, Charles Turner, jun., Nicholas Van Dyke, Robert Weakley, Richard Winn, Robert Witherspoon.

Mr. PICKMAN said he had an objection to the 6th section of the bill, which provides that the volunteers shall once in each year be encamped for ten days successively. He apprehended that this provision would subject the United States to

an expense of from six hundred thousand to a million of dollars annually; and he also apprehended that instead of being an advantage to the persons encamped, it would be productive of very injurious consequences. He asked gentlemen seriously to say whether in that short space of ten days men could make any useful improvement in camp duty and discipline; whether it would not take nearly the whole of the time to fix an encampment, and accommodate the men in it. Mr. P. said he had to this section an objection much more serious than that he had stated. As the volunteers would not be considered in actual service, these encampments would be places of dissipation, and extremely injurious to the morals of the young people. Viewing it in this light, and as the father of a family, some of whom might enrol themselves in this corps, he objected to this section. He thought that these ten days' encampments would make them no better soldiers, and much worse citizens. He, therefore, moved to strike out the sixth section, which is in the following words:

SEC. 6. *And be it further enacted*, That the said volunteers shall, once in each year, if not called into actual service, be encamped for ten days successively, for improvement in camp duty and discipline, either by regiments, battalions, or companies, as the Commandant of Brigade shall direct; and in case any non-commissioned officer, musician, or private, shall fail to attend and perform his duty as aforesaid, without an excuse satisfactory to the Commandant of his regiment, or shall so appear without being uniformed according to orders, his arms and accoutrements, or musical instrument, shall revert to the United States.

Mr. ELY said the volunteers when encamped were liable to no sort of punishment for misconduct, not even to the militia laws of the several States. There was no other restriction on them then, nor any other inducement for them to attend these musters than the expectation of receiving a musket each at the end of their engagement. This bill was in that respect a perfect burlesque on all the militia laws in the United States. The persons engaging were called upon (when perhaps seriously engaged in other business) voluntarily to travel, perhaps two or three days, at the rate of thirty-six or thirty-seven cents compensation for each day's travel! Mr. E. concurred fully in the observations of his colleague. If you have an army encamped in any part of the United States, said he, establish them under military laws. If you convene five hundred men for ten days under this bill, suppose they are disorderly or run away, where is your remedy? The officer orders the delinquent back; he resists; where is there any authority to use compulsion? The very appearance of this thing, Mr. E. said, would strike a degree of terror into the people of this country for the consequences of it. Under such circumstances he was decidedly in favor of striking out this provision.

The question on Mr. PICKMAN's motion was decided in the negative—yeas 40, nays 77, as follows:

YEAS—Daniel Blaisdell, James Breckenridge, Wil

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liam Chamberlin, Epaphroditus Champion, Martin Chittenden, Samuel W. Dana, John Davenport, jr., William Ely, James Emott, Thomas R. Gold, William Hale, Nathaniel A. Haven, Jonathan H. Hubbard, Richard Jackson, jr., Robert Jenkins, Philip B. Key, Herman Knickerbacker, Joseph Lewis, jr., Edward St. Loe Livermore, Robert Le Roy Livingston, Nathaniel Macon, Vincent Matthews, Archibald McBryde, Jonathan O. Moseley, Joseph Pearson, Benjamin Pickman, jr., Timothy Pitkin, jr., Elisha R. Potter, Josiah Quincy, John Randolph, Dan'l Sheffey, John Stanley, Lewis B. Sturges, Jacob Swoope, Samuel Taggart, Jabez Upham, Killian K. Van Rensselaer, Laban Wheaton, Ezekiel Whitman, and James Wilson

YEAS—Lemuel J. Alston, Willis Alston, jr., William Anderson, Ezekiel Bacon, David Bard, Burwell Bassett, William W. Bibb, Adam Boyd, Robert Brown, William A. Burwell, William Butler, Joseph Calhoun, Matthew Clay, John Clopton, Howell Cobb, James Cochran, Orchard Cook, James Cox, William Crawford, Richard Cutts, Joseph Desha, William Findley, Jonathan Fisk, Meshack Franklin, Gideon Gardner, David S. Garland, Thomas Gholson, Peterson Goodwyn, James Holland, Benjamin Howard, Jacob Hufty, Richard M. Johnson, Walter Jones, William Kennedy, John Love, Aaron Lyle, Robert Marion, Sam'l McKee, Alexander McKim, Pleasant M. Miller, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, Gurdon S. Mumford, Roger Nelson, Thomas Newton, John Nicholson, John Porter, Peter B. Porter, John Rea of Pennsylvania, John Rhea of Tennessee, Matthias Richards, John Roane, Erastus Root, John Ross, Ebenezer Sage, Thomas Sammons, Lemuel Sawyer, Ebenezer Seaver, Adam Seybert, Samuel Shaw, Dennis Smelt, John Smilie, George Smith, Samuel Smith, Henry Southard, Richard Stanford, John Taylor, John Thompson, Uri Tracy, George M. Troup, Charles Turner, jr., Nicholas Van Dyke, Arch'd Van Horn, Robert Weakley, Richard Winn, and Robert Witherspoon.

Mr. KEY, desirous that the present severity of the rules and articles of war should not operate on this detachment, who were to be subject to them when in service, moved the following amendment: "*Provided*, That said volunteers 'and militia, when called into actual service, 'shall not for any offence suffer corporal punishment by the infliction of lashes."

Mr. ROOT said that although the subject of the rules and articles of war was already before a special committee, yet, fearing that they would not report during this session, he hoped there would be an unanimous vote to consent to the amendment.

Mr. MACON objected to the amendment. Supposing an invasion, and it was necessary to call out of any one State more militia than its quota, were these additional men to be subject to corporal punishment while these volunteers were exempt from it? He wished to legislate on this subject generally, if at all. He said there were one or two strange things already in this bill, and this would be adding another.

Some other gentlemen spoke, but no other opposed the motion.

Mr. KEY's motion was decided in the affirmative—yeas 105, nays 8, as follows:

YEAS—Lemuel J. Alston, Willis Alston, jr., William Anderson, David Bard, Burwell Bassett, William

W. Bibb, Daniel Blaisdell, Adam Boyd, James Breckenridge, Robert Brown, William A. Burwell, William Butler, Joseph Calhoun, John C. Chamberlain, Martin Chittenden, Matthew Clay, John Clopton, Howell Cobb, James Cochran, Orchard Cook, James Cox, William Crawford, Richard Cutts, Samuel W. Dana, John Davenport, junior, Joseph Desha, William Ely, James Emott, William Findley, Jonathan Fisk, Meshack Franklin, Gideon Gardner, David S. Garland, Thomas Gholson, Peterson Goodwyn, Thos. R. Gold, William Hale, Nathaniel A. Haven, James Holland, Benj'n Howard, Jonathan H. Hubbard, Jacob Hufty, Richard Jackson, jr., Robert Jenkins, Richard M. Johnson, William Kennedy, Philip B. Key, Herman Knickerbacker, Joseph Lewis, jun., Edward St. Loe Livermore, Robert Le Roy Livingston, John Love, Aaron Lyle, Robert Marion, Vincent Matthews, Archibald McBryde, Samuel McKee, Pleasant M. Miller, William Milnor, Thomas Moore, Jeremiah Morrow, Jonathan O. Moseley, Gurdon S. Mumford, Roger Nelson, Thomas Newton, Joseph Pearson, Benjamin Pickman, jun., Timothy Pitkin, jun., John Porter, Peter B. Porter, Elisha R. Potter, Josiah Quincy, John Rea of Pennsylvania, John Rhea of Tennessee, Matthias Richards, Erastus Root, John Ross, Ebenezer Sage, Lemuel Sawyer, Adam Seybert, Samuel Shaw, Daniel Sheffey, Dennis Smelt, John Smilie, Geo. Smith, Henry Southard, Richard Stanford, John Stanley, James Stephenson, Lewis B. Sturges, Jacob Swoope, Samuel Taggart, John Taylor, John Thompson, Uri Tracy, Charles Turner, jr., Jabez Upham, Nicholas Van Dyke, Archibald Van Horn, Killian K. Van Rensselaer, Robert Weakley, Laban Wheaton, Ezekiel Whitman, Richard Winn, and Robert Witherspoon.

YEAS—Nathaniel Macon, Alexander McKim, Nicholas R. Moore, Thomas Newbold, John Roane, Thomas Sammons, Samuel Smith, and James Wilson.

Mr. HUFTY moved to amend the bill so as to authorize the quotas to be apportioned to those States from which returns had not been regularly received, according to the number of free white males, between the ages of sixteen and forty-five, which they contained at the last census.—Agreed to—53 to 38.

Mr. EMOTT said it was generally agreed by gentlemen, he believed, that the volunteers contemplated by the bill were not militia. The President himself had made a distinction between the two in his Message to Congress. Without examining the principles of the bill, he said he would remark that the President had called but for 20,000 volunteers, whilst the bill authorized the acceptance of 100,000. If this new species of provisional army was to be raised, he said he could not see the propriety of going beyond the requisition of the President. He therefore moved to amend the bill by adding to it the following proviso: "*Provided*, That the volunteers so to be accepted shall not exceed 20,000 men."

And the question being taken on the proviso, it was decided in the negative—yeas 38, nays 70, as follows:

YEAS—Daniel Blaisdell, James Breckenridge, John C. Chamberlain, William Chamberlin, Epaphroditus Champion, Martin Chittenden, Samuel W. Dana, John Davenport, jr., William Ely, James Emott, Thomas R. Gold, William Hale, Nathaniel A. Haven, Jonathan H. Hubbard, Richard Jackson, junior, Robert Jenkins,

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Philip B. Key, Joseph Lewis, jr., Edward St. Loc Livernore, Robert Le Roy Livingston, Archibald McBryde, Jonathan O. Moseley, Joseph Pearson, Benj'n Pickman, jr., Timothy Pitkin, jr., Elisha R. Potter, Josiah Quincy, Daniel Sheffield, John Stanley, James Stephenson, Lewis B. Sturges, Jacob Swoope, Nicholas Van Dyke, Archibald Van Horn, Killian K. Van Rensselaer, Laban Wheaton, Ezekiel Whitman, James Wilson.

NAVS—Lemuel J. Alston, Willis Alston, jr., William Anderson, Ezekiel Bacon, David Bard, Burwell Bassett, William W. Bibb, Adam Boyd, John Brown, William A. Burwell, William Butler, Joseph Calhoun, Matthew Clay, John Clopton, Howell Cobb, James Cochran, Orchard Cook, James Cox, William Crawford, Joseph Desha, William Findley, Jonathan Fisk, Meshack Franklin, Gideon Gardner, David S. Garland, Thomas Gholson, Peterson Goodwyn, James Holland, Jacob Hufty, Richard M. Johnson, William Kennedy, John Love, Aaron Lyle, Nathaniel Macon, Robert Marion, Samuel McKee, Pleasant M. Miller, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, Gurdon S. Mumford, Roger Nelson, Thomas Newbold, Thomas Newton, John Nicholson, John Porter, Peter B. Porter, John Rea of Pennsylvania, John Rhea of Tennessee, Matthias Richards, John Roane, Erastus Root, John Ross, Ebenezer Sage, Thos. Sammons, Ebenezer Seaver, Adam Seybert, Samuel Shaw, John Smilie, George Smith, Samuel Smith, Henry Southard, Richard Stanford, John Taylor, John Thompson, Uri Tracy, Charles Turner, junior, Robert Weakley, Richard Winn, and Robert Witherspoon.

Mr. MOSELEY said, that notwithstanding the honorable chairman of the committee who introduced this bill seemed, from the remarks which he had this morning made, to consider it so perfect, he was not yet prepared to give it his assent.

Sir, said Mr. M., I consider this bill as extremely objectionable in its general principles, so far as I can understand them, and very exceptionable in point of detail.

It is not calculated as a general permanent regulation, for the purpose of improving in discipline, or of arming in a suitable manner the great body of the militia. It is merely a temporary expedient, calculated for a particular exigence—which exigence does not exist—nor is it, in my opinion, at all to be apprehended. It is calculated, at least partially if not principally, as a war measure, when we neither have war, nor any just reason to expect it. The war spirit has subsided even in this House. No gentleman, I believe, is disposed at the present time to declare war against any nation. Nor is it probable that any Power on earth will wage a war against us that would render this force necessary or useful. And in case we continue at peace, this bill, in its operation, must necessarily subject the nation to much expense and vexation, and in my estimation be productive of no real benefit.

I know it has been suggested that this would be a very wise and useful measure, whether we go to war or remain at peace. I imagine, sir, that this is one great difficulty with the present bill; that it is intended to fit either war or peace, and of course is not well adapted to either. The title of this bill purports it to be a bill to authorize a detachment of the militia.

The provisions of this bill go to raise a volunteer corps of one hundred thousand men, which may at the will of the President be called into actual service, and converted in reality into a regular army—at least eighteen months out of the two years, for which they are raised.

This power given to the President I consider in the first place very objectionable. It may not perhaps be abused. But it is certainly a correct principle, and a principle which ought rigidly to be adhered to in a republican Government like ours, never to invest the Executive with more military power than is absolutely necessary. But, independently of this, I totally object to the complex character of the force proposed to be raised by this bill.

They are neither one thing nor another. Even the advocates of this bill cannot agree by what name to designate them. They are, in short, neither regular troops nor militia. I believe it was never before in any country attempted to raise a body of men whose character and duties were so undefined and multifarious.

They are to be volunteer militia or volunteer regulars, as the case may be. They are to do ordinary militia duty, or extraordinary militia duty. They may be called into service ten months in a year, or ten days in a year. And a gentleman from North Carolina (Mr. HOLLAND) observed the other day that they were exactly what in the late Revolutionary war were termed minutemen.

Sir, I have no disposition to treat this subject with levity, or to say anything that might be deemed disrespectful to any gentleman who had an agency in framing this bill. But it really does appear to me, that we have lately in this nation manifested a strange propensity to novel projects. If we want a navy it must be different from all other navies; we must have some ships to fight upon the water, some torpedoes to fight under water, and some gunboats to fight upon land or water, as the exigencies of the case may require. If a military land force is to be raised, it must not be precisely regular troops, nor militia, but a compound of both, and the appellation of volunteer must in some way or other be attached to them, whether they engage voluntarily or involuntarily. I dislike this mode of mixing and blending together things which ought to be kept distinct. The Constitution recognises but two kinds of force, *militia* and *army*. The duty of the militia is there distinctly defined. They are considered as the great security of the nation against sudden attack from without or rebellion within. In the words of the Constitution, they are "To execute the laws, suppress insurrections, and repel invasions." But it was never contemplated that they were to be permanently relied upon in case of actual warfare. Whenever it becomes necessary to raise a regular army, let it be done openly and understandingly; let them be honorably paid, and let them know fairly and distinctly, when they engage, both the nature and term of their service.

As I have no belief that we are soon to be engaged in war, these troops, I presume, will not be

called into actual service, and those provisions of the bill only will go into operation which are calculated upon the contingency of peace. I will examine the bill for a moment, and see whether it promises to be of any practical utility in this point of view.

The objects of this bill are, in case of peace, to improve a portion of the militia in camp duty and discipline, and to supply them with arms, accoutrements, &c., as a compensation for their services.

These men are to be called out and encamped ten days successively in each year. They would probably be called out either by battalion or regiment. It could never be thought expedient to have so small an encampment as a single company. They must, of course, in parts of the country thinly populated, have, in the first instance, to travel a very great distance. When assembled, they must for their accommodation be furnished with tents, and every other species of camp equipage; they must exchange their domestic modes of living for the life of a camp. They must of necessity be obliged to sleep on the ground, a circumstance which, it is to be apprehended, would be very injurious to their health. This is well known to have been the case with the militia who were called into service, and who had been unaccustomed to living in tents and sleeping in this manner, during the late Revolutionary war, and was mentioned as a subject of great regret by General WASHINGTON.

These encampments, spread all over the country, would not only expose the health, but, as has been justly observed by the honorable gentleman from Massachusetts, on my left, (Mr. PICKMAN,) would have a natural tendency to corrupt the morals of these men. Liberated from the customary control of their parents, masters, and guardians, and surrounded with a variety of temptations, they might, in the short term of time they are to be together, be made much worse citizens, without becoming much better soldiers.

If these objections, which relate simply to the health and morals of these troops, should not be thought of much weight, I should hope that they would not be entirely disregarded in this House, notwithstanding so little solicitude seems to have been manifested either for the health or lives of the unfortunate men who have engaged in the service of the United States by those intrusted with their immediate command. But, independently of these considerations, I appeal to you, sir, and to every gentleman in this House, of any military experience, whether it be possible that these troops, during the short time they are to be encamped, can acquire any knowledge of camp duty and discipline that would be useful?

It will be recollected that these men must be commanded by militia officers, equally inexperienced and unskilful as themselves; officers who have themselves to learn that very duty and discipline which they are to teach to their soldiers. Is it then to be expected, as some gentlemen appear disposed to believe, that these troops, in this term of time, and under these circumstances, are

to become so perfect in military duty and discipline as to be useful patrons to the residue of the militia when they are again incorporated with them?

It is in my opinion idle to expect it. They might, and I think very probably would, consider themselves of course vastly superior to their fellow-soldiers, and assume upon themselves airs of distinction and consequence, but it would presently be perceived that these ten-day veterans were not such great proficient in military skill and discipline as they fancied themselves, and they would be more likely to become objects of contempt and ridicule than models of useful imitation.

As to the mode proposed by this bill, of arming this portion of the militia, I think it liable to many objections, but, as there is one alone which in my mind is sufficient, I shall advert to no other. That is, that these arms, accoutrements, &c., which, by these provisions of the bill, are to become the absolute property of these men as a compensation for their services, will not probably be retained by them, so as to be of any subsequent use to the public, in their hands, as a part of the militia.

I am the more confirmed in my belief that these men would dispose of their arms, as, by the terms of the bill, they are authorized to do, because I am satisfied they will go into the hands of the least respectable part of the militia, and who would be the most likely to part with them as soon as they should have it in their power.

Is it to be supposed that the best and most respectable class of the militia would engage in this service? What motive could they have? Surely the most respectable part of the militia could not be induced to engage in this service by pecuniary considerations. They could be much more profitably employed at home, in the pursuits of their own private concerns. Would they be influenced by motives of patriotism—by a disinterested regard for the public good? Perhaps I entertain too strong prejudices against this bill, but I cannot persuade myself that any man of sufficient sense and reflection to be actuated by any consideration of this nature, would ever engage as a volunteer in the service which it proposes. Those men, if any, who would be most likely to volunteer their services, would be men of that description who would not retain those arms, either for their own or the public good. This benefit, therefore, which these gentlemen predict to result from the passage of this bill—that of arming in a suitable manner this portion of the militia—would never be realized.

Sir, I have stated some of the most prominent objections which present themselves to my mind against the present bill.

I consider it, as I have before remarked, as a war measure, altogether unnecessary, and if necessary as such, not well adapted to that object. As a peace measure, vexatious and expensive, and calculated in its operation to be productive of much more evil than good to the nation.

Mr. PEARSON said that the bill appeared to

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him so incorrect in principle, and so confused if not absurd in detail, that he felt himself bound to oppose it. Whenever a proposition is made to a Legislature, and they are about to act on it, the first inquiry ought to be—is it necessary or not? He said he would ask gentlemen who advocated the bill, what is its object? What has induced them now to bring it forward? He supposed he should be answered that the President had recommended a detachment of militia. Was this a sufficient reason for going to an expense of two millions of dollars, and exciting unnecessary alarms throughout the whole community? Mr. P. said, that to his mind, that alone was not a sufficient reason. If we were to have a war, or this bill was to meet such an event, why had the House not been told that war was necessary? Why had not particular reasons been mentioned why this unnecessary and expensive measure should be adopted? He said he for one never would legislate merely because the Executive had recommended it. If this was the only reason in favor of this measure, he protested against it.

Mr. P. said he did believe that there were some provisions in this bill that were unconstitutional; but as this subject had been investigated whilst the amendments were under consideration, and the principle had been decided by the House, he said he would not weary the patience of gentlemen by going over the same ground again. He alluded to that provision which authorized the Executive to call the volunteers beyond the jurisdiction of the United States. Notwithstanding the strange character which the bill gave to the volunteers, they must be militia if they were anything at all. The officers, who were not to be compelled to sign engagements, must at all events be militiamen, and he apprehended the soldiers must partake of the same character, or else, when they got out of the United States, they must be a parcel of soldiers without officers, or there must be a new set of officers ready to receive them when they crossed the boundary.

The bill was very objectionable, also, Mr. P. contended, on the ground of expense. No calculation could, he apprehended, be made, by which the expense of carrying this bill into effect would cost the United States less than two millions of dollars. The details of the bill were, in his apprehension, so imperfect, that it would be almost impossible to make any calculation as to expense. He would suppose, however, that 50,000 men, one-half of the whole number authorized, would volunteer. As soon as an individual signs an engagement, it is sent to the Executive of the State. As soon as the engagement is thus sent, the person volunteering receives his arms. The arms and accoutrements, estimated at thirteen dollars each, for fifty thousand men, will amount to six hundred and fifty thousand dollars. The rations for the same number ten days in camp, and allowing only an average of one day for going and one for returning, will amount to \$120,000. I suppose the time of those persons to be worth something. Although it be not money paid out of the Treas-

ury, it operates upon the citizen, and if he pays in service, the tax is as great as if so much money was actually taken from the pockets of the people. Estimating the time of each man to be worth fifty cents a day, the amount of the time of 50,000 men for twelve days will be \$300,000. Taking also into view the expense for fifty thousand volunteers, to be employed ten days in each year in camp duty, will be at least one million of dollars.

Let us for a moment, said Mr. P., examine the inconvenience that the people who volunteer will be put to. As I observed before, every person who signs an engagement will be received by the Executives of the States. Suppose only one regiment in the State of North Carolina should volunteer. There must be a place of rendezvous at some place in that State. Suppose it to be in the centre of the State; the volunteer will once a year, merely to perform camp duty, be marched one hundred and fifty or two hundred miles. I ask whether the individual will be sufficiently compensated for this march of three or four hundred miles by the advantage he would gain in ten days' encampment. This may be an extreme case, but I think it very probable that in many States you will not get more than a regiment of volunteers.

Again: During the time they are marching, is there any provision to assist the volunteers in carrying their rations, or any camp equipage provided for? None. Those persons whilst marching to the place of encampment are to be exposed to the inclemencies of the season, and when they arrive at the place of rendezvous, will have nothing to shelter them. Would not this be extraordinary? A body of men in the service of the United States, without clothes, without a tent given them, or a blanket to lay on the ground! It cannot be expected that they should volunteer under such circumstances? The only inducement I can see for those persons to volunteer is, that a musket is to be placed in their hands at the end of their engagement. In the country from which he came, Mr. P. said, that a musket was not of very great value, and, according to the bill, any person dissatisfied with the service might leave it and refuse to attend, without any other penalty than the forfeiture to the United States of his right to the arms. Was this tie sufficient to bind the volunteer to an engagement which he finds inconvenient, and which perhaps he did not understand at the time he made it? Mr. P. said he believed not. Besides, this bill required that if the volunteer failed to attend his duty, *uniformed* according to orders, he should lose his musket. Why, the very uniform was infinitely more valuable than the musket he was to forfeit if he did not appear in uniform, and it could not, therefore, be expected that the provisions of the act should be rigidly complied with.

The arsenals would prove another expensive item. Suppose the whole 100,000 men should volunteer. The commanding officers of regiments would have the power of mustering them by regiments, battalions, or companies. The

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volunteers, consulting their own convenience, would probably muster in companies. At each place of muster or rendezvous must be an armorer and an arsenal. One hundred thousand men would make an hundred regiments and two thousand companies, and gentlemen could calculate the expense. For armorers the amount would be \$480,000 annually, or \$960,000 for the two years, and for arsenals the amount would probably be nearly as great. The United States might be run to the expense of *two millions of dollars* annually (including arms) for mustering these volunteers ten days in each year. To him, Mr. P. said, this was a very strange law indeed, and these provisions could not have been very accurately examined by gentlemen who reported the bill.

Another inconvenience which Mr. P. said he should like to hear explained, was this: Suppose a general of brigade should volunteer his services; that they should be accepted, and he should be called into service for ten days; would this general thereby lose his command in the militia, or would he command both the militia and the volunteers at the same time? He said he had conversed with different gentlemen, who differed in opinion on this subject, and he should like the chairman of the committee to explain this dilemma.

We have, said Mr. P., several times had requisitions of militia under laws of the United States. I never have found any good to arise from them. I have been extremely pleased that no necessity existed for calling them into service. I cannot see any necessity for it at this time, and I know that a very great disadvantage does arise from the draught. It excites general alarm throughout the country. It always has an effect upon the price of produce. The cry of war alarms the country; and the merchants, though they may believe there is nothing real in it, will make it serve as a pretence for raising the price of their produce.

Therefore, as many inconveniences may arise from the passage of the bill, and I am not informed of any possible good to flow from it, I feel it my duty to vote against it.

About 5 o'clock, the bill was ordered to be engrossed for a third reading, and the House adjourned.

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TUESDAY, March 20.

Mr. FISK, from the Committee of Conference on the census bill, reported that the committee recommended that the Senate should recede from a part of their amendments, and the House should accept the remainder, with amendments thereto. —The report lies on the table.

Mr. MORROW, from the Committee on the Public Lands, made a report on the petition of Richard Tervin, referred on the 30th November last; which was read, and the resolution therein contained concurred in by the House, as follows:

Resolved, That the petitioner be permitted to substantiate his claims to a donation certificate,

and that he produce the proof of his cultivation settlement to the Register and Receiver of Public Monies of the district east of Pearl river, in the Mississippi Territory, who shall decide thereon.

Ordered, That a bill be brought in, pursuant to the said resolution; and that the Committee on the Public Lands do prepare and bring in the same.

On motion of Mr. CLAY,

Resolved, That the Postmaster General be instructed to report to this House whether any, and what, expedition may be given to the correspondence between this place and the seats of government of North Carolina, South Carolina and Georgia, by employing for that purpose the present route to Orleans; and what would be the probable expense of establishing connecting lines. Also, the amount of money expended in making and clearing the road from Athens to Orleans; and to furnish all the information he possesses respecting the present state of the mail route from Washington City, by Athens, to Orleans.

Mr. STANLEY, from the committee appointed, on the 14th instant, on the petition of John Kerr, presented a bill authorizing the discharge of John Kerr from his imprisonment; which was read twice, and ordered to be engrossed, and read the third time on Friday next.

A message from the Senate informed the House that the Senate concur with this House in their amendment to the amendments of the Senate to the bill, entitled "An act to prevent the issuing of sea-letters except to certain vessels," with an amendment; to which they desire the concurrence of this House.

A message from the Senate informed the House that the Senate recede from their second, sixth, and seventh amendments to the bill, entitled "An act providing for the third census, or enumeration of the inhabitants of the United States;" and also recede from their fourth amendment to the said bill, with a modification.

CLAIM OF ZEBULON WADE.

Mr. JOHNSON, from the Committee of Claims, made a report on the petition of Zebulon Wade, referred on the 9th ultimo; which was read, and the resolution therein contained concurred in by the House. The report is as follows:

That it appears that the petitioner was a seaman under the command of William Patterson, on board the sloop Despatch, and the said officer and all the seamen were in the service of the United States; and that, on the 4th day of March, 1809, acting under the command and direction of the said William Patterson, on board said sloop, the petitioner was severely wounded by the discharge of said sloop's cannon—lost one of his thumbs and two of his fingers, and almost the use of his right arm. He states that he is wholly disabled and incapable of supporting his family or himself. He prays to be paid the expenses incurred in curing said wound, and a pension.

Upon the subject of pensions, the laws and regulations of the Government have made provisions. This case is not embraced by the laws regulating applications from the Army, nor by the rules and regulations of the Navy. The committee had only to inquire whether this particular case was such a one as should be

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specially provided for. It appears to your committee, that the petitioner was in the service of the United States, and under the command of his proper officer, when he received this wound; but it was in celebrating the 4th of March, as a day of rejoicing. However the committee may lament the misfortune of the petitioner, they do not believe that the wound was received at such time and in such service as should form an exception, and require special provision for the petitioner. They recommend the following resolution:

Resolved, That the prayer of the petition ought not to be granted.

COMMERCIAL INTERCOURSE.

The House took up the message from the Senate announcing their adherence to their amendments to the bill concerning commercial intercourse, &c.

Mr. LIVERMORE moved that the House recede from its disagreement to the amendments of the Senate.

Mr. LOVE made a motion which took precedence of Mr. LIVERMORE's, viz: to postpone the further consideration of the bill till Monday next. It seemed probable, he said, from information lately received, that some events had taken place which would essentially alter the state of things. The situation of the two Houses in relation to each other being somewhat embarrassing, he said he was not desirous to precipitate a decision, especially when a few days might produce a change in our relations with the belligerents.

Mr. COOK was in favor of this motion, and for the reason which had been given. He thought it very impolitic to act immediately on this important subject, when news was every hour expected which might alter their opinions very essentially. He should be sorry to register an act at this moment which they might be under the necessity of undoing in a week.

Mr. LIVERMORE said he could not easily conceive why a decision on this subject should be further postponed. Under the expectation of great news, this system was continued from day to day, to the great injury of the American people. Gentlemen would no doubt act on their own convictions; but he hoped they would consider the information received from every part of the Union of the public voice appealing to Congress to repeal the non-intercourse law. Was there any news of war being declared against us by any nation? He had, to be sure, heard some rumor of the kind as to France, but he placed little faith in it. As to England, he had heard from all quarters of favorable prospects. He compared this procrastination to the punishment of Tantalus inflicted on merchants. One day was held out an expectation of a decision, and when the day came the bill was again put off. He hoped it would now be decided.

The question on postponement to Monday next was carried—yeas 62, nays 56, as follows:

YEAS—Lemuel J. Alston, Willis Alston, junior, William Anderson, Burwell Bassett, Adam Boyd, John Brown, Robert Brown, William A. Burwell, Joseph Calhoun, Matthew Clay, John Clopton, Howell Cobb, James Cochran, Orchard Cook, James Cox, William

Crawford, Richard Cutts, John Dawson, Joseph Desha, Wm. Findley, Jona'n Fisk, Meshack Franklin, Gideon Gardner, Thomas Gholson, Peterson Goodwyn, William Helms, James Holland, Benjamin Howard, Richard M. Johnson, John Love, Aaron Lyle, Pleasant M. Miller, Nicholas R. Moore, Jeremiah Morrow, Gurdon S. Mumford, Roger Nelson, Thomas Newbold, Thomas Newton, John Nicholson, John Porter, Peter B. Potter, John Rea of Pennsylvania, John Rhea of Tennessee, John Roane, Erastus Root, Ebenezer Sage, Thomas Sammons, Lemuel Sawyer, Ebenezer Seaver, Adam Seybert, Samuel Shaw, John Smilie, George Smith, John Smith, Henry Southard, John Thompson, Uri Tracy, George M. Troup, Charles Turner, junior, Robert Whitehill, Richard Winn, and Robert Wither-spoon.

NAYS—Ezekiel Bacon, Wm. W. Bibb, Daniel Blaisdell, James Breckenridge, William Butler, John C. Chamberlain, Wm. Chamberlin, Epaphroditus Champion, Martin Chittenden, Samuel W. Dana, John Davenport, jun., William Ely, Jas. Emmott, David S. Garland, Charles Goldsborough, Thomas R. Gold, Edwin Gray, William Hale, Nathaniel A. Haven, Daniel Heister, Jonathan H. Hubbard, Richard Jackson, jun., William Kennedy, Philip B. Key, Jos. Lewis, junior, Edward St. Loe Livermore, Robert Le Roy Livingston, Nathaniel Macon, Robert Marion, Vincent Matthews, Archibald McBryde, Samuel McKee, Wm. Milnor, Thos. Moore, Jonathan O. Moseley, Joseph Pearson, Timothy Pitkin, junior, Elisha R. Potter, Josiah Quincy, Matthias Richards, John Ross, Daniel Sheffey, Dennis Smelt, Richard Stanford, John Stanley, James Stephenson, Lewis B. Sturges, Jacob Swoope, John Taylor, Jabez Upham, Nicholas Van Dyke, Archibald Van Horn, Killian K. Van Rensselaer, Robert Weakley, Laban Wheaton, and Ezekiel Whitman.

DETACHMENT OF MILITIA.

The engrossed bill authorizing a detachment of the militia of the United States was read a third time.

Mr. POTTER.—This bill is to raise a voluntary and involuntary army of one hundred thousand men, and I am opposed to it, because I think it calculated to do much injury, to cost much money, and to do no possible good; and I should be pleased to be informed by the friends of this army, whether it is for defence, offence, or if arms be the object? If for defence, against whom? Is there a gentleman in this House that expects an invasion of our territory? I presume not. If for offensive war, is there one in this House who wishes such a contest? I hope not. If we were at this time at war with all the world, we should not want such an army as this. Great Britain has no men to spare to send here to invade our territory; and if she had, she would know better than to do it. And if France was ever so much disposed to send an army into this country, it would be in vain—she could not send them. If therefore there is not the least prospect of an invasion, and the Government are not disposed to declare war, where is the necessity for this army? But it is said, that this is not a standing army; that it is only an army of volunteers and detached militia. I have always understood that volunteers enter into an army to do certain services, without signing an agreement for a certain time,

or receiving any bounty; but that as soon as a man signs an enlistment for a certain time, and receives his bounty, from that time he ceases to have any will of his own, until his time expires. He becomes a regular soldier to all intents and purposes, to be shot or hung, or otherwise punished, according to martial law. It would seem, by the fourth section of this act, that each volunteer must sign an engagement to serve the United States according to the provision of this act; and as soon as he is called into actual service, under the authority of the United States, he shall be subject to the rules and orders of war, and that he can be called into the service of the United States to any place out of its jurisdiction not beyond sea; and, by the 5th section, that when the return of such volunteer shall be made to the Department of war, each non-commissioned officer and private shall be furnished by the United States with a musket, &c., in complete order. These two sections, providing for the enlistment and bounty, taken by themselves, the man having enlisted and having received his gun as a bounty, would make a complete regular soldier of him, and he would be obliged to serve his time out. But when you examine the sixth section which provides for the ten days' annual encampment, if not called into actual service, you then find the penalty for not obeying orders, which declares if any non-commissioned officer or private shall fail to attend and perform his duty, either in the camp or in actual service, whenever called upon, or shall fail to appear without being uniformed according to orders, without a satisfactory excuse to the commanding officer, his arms shall revert to the United States. If therefore one of those men, when called to do camp duty, should appear without a uniform, when the law does not require it, nor furnish him with any clothing, until he is called into actual service, he is to forfeit his gun for not appearing in his uniform before he is furnished with it by the United States or made his duty to furnish himself with it. By the fourth section he is entitled to receive his gun immediately after return is made of his name; if he should refuse to do this camp duty, you have no power to control his person; the only penalty is the reversion of the gun; you therefore dispossess yourselves of the gun, and have no control over the person or the arms; your only remedy for the arms would be by suit, if they should refuse to re-deliver them, to recover their value.

It would seem, by the 7th and 8th sections, that those guns were not to be delivered according to the provisions of the 5th section, but that they should be deposited in arsenals, rented for that purpose by the commanding officer, in the care of an armorer to be appointed and paid for keeping the same in good order, to be delivered out to the several companies of volunteers either to be instructed in camp duty and discipline or when called into actual service the arms, &c., to become their property; provided, that before such volunteer shall be entitled to receive his gun, &c. he shall produce from the commanding officer of

his regiment a certificate, that he has performed the service required by his engagement. It will therefore seem by the 4th and 5th sections of this bill, that the soldier had enlisted and received his bounty and was bound to do duty; but by the 6th, 7th and 8th sections it was entirely optional with him; if he performed the service he is to have his pay, and if he did not, there is nothing binding on either side. Let us now pursue and examine those volunteers in the performance of their camp duty. Who is to command? And by what law? As soon as they volunteer they are no longer under the command of the common militia officer, and they are not subject to the articles and rules of war, by the 4th section, until they are called into actual service. So that you give a bounty to the volunteers for doing nothing, while the militia are obliged to arm themselves at their own expense, and do all the duty for nothing. All this may be right and proper, but if it is, I must confess I have not capacity sufficient to discover it. I will leave it to the honorable Chairman who reported this bill, he being a military man, and this of course a new kind of army, to reconcile to himself what appears to me defects and inconsistencies in this bill. The other part of this army that are called militia are detached for nine months, without any bounty or arms, and they are as regular soldiers for that time as any of our standing army. We find fault with the English for impressing their seamen in time of war, but here we draught or detach our men for nine months in time of peace; and it is no consolation to a man that he was draughted; he goes as much against his will as though he had been impressed in the first instance. If you want more men, enlist them. If anything is meant by this bill more than the former detachments having the same title, the people will be deceived, and if not, it is a useless expense. This detaching and encamping will be attended with many evils and bad consequences, and will disturb the minds of the people very much. The common trainings, that last only one day, serve to corrupt the morals of the incautions youth very much, and improve them very little in the art of war. This encamping will be a pernicious thing; it will be a school for vice and immorality; it will be a new thing in many places and parts of the country; it will collect many idle and dissipated people together; it will be the means of a general suspension of labor in many places in the neighborhood of the camps for a part of the ten days at least. The officer will have no power to control the soldier. The soldier will be released from the common militia law, and they are not amenable to the articles and orders of war, until they are called into actual service. In this situation, and under all these circumstances, it would be well to have a religious camp meeting to succeed the military; as, according to a saying of the greatest personage that ever was upon earth, who said that he did not come to call the righteous, but sinners, to repentance, opening a great field for a man of piety and talents to exercise his ingenuity in preaching to

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these people in order to correct and reinstate their minds.

We are in no fear of an invasion, and we ought not to go to war for territory.

If arms is the object of this bill, and the Southern people are not as well armed as the Northern, we are all of one great family, let us distribute arms to the several States, according to the number of the militia. And if unfortunately we should ever be invaded at any point, we should not want for men to use them. It would not be asked to what party a man belonged, or what nation had invaded us. The militia, on such an occasion, would cheerfully turn out and do their duty, and keep the field until they could be relieved by regular troops.

The militia are generally composed of poor men, whose burdens are already more than they ought to be, and but a few of that class get exempt from military duty by offices, and I believe that they do not own the one hundredth part of the property in the United States. Why then should they do all this duty to defend it? It now costs a poor man about fifteen dollars to equip himself, and if he has sons, it costs him as much more for them, besides all their time at trainings, which is a poor man's estate. If a man has property beyond the comfortable support of his family, with that surplus, he can pay a tax without feeling any injury from it, and add to his property. If he has but a scanty support for his family, all you take from him you take from their real necessities.

If he has no property and depends upon his daily labor for the support of a young and helpless family, every day you call such a man out of business you injure his family; his time is their support and dependance.

What is to become of such a family, if the head should be detached and sent off for nine months? His pay will barely support himself, he will have nothing to leave with them but his prayers.

I am not opposed to this bill because it appears to be a favorite measure of the Administration. I am against it, because I think it will do much harm and no possible good, because it will put the nation to great expense and inconvenience for nothing. Those gentlemen who think it an advisable and beneficial measure will support it from the best of motives, and as I cannot consider it in that view, I shall oppose it. But if I wished to injure the present Administration, and was influenced by no other motives, I would remain silent, and would not prevent the passage of it if in my power—but viewing the operation of this bill as I do, I cannot remain silent, without doing all in my power to prevent its passage. If I considered it merely in a party point of view I should wish it to pass; I should not say, as was said on another occasion, "O that mine enemy would write a book!"—but I should wish one or two such laws as this passed and enforced. In that case, the people, I believe, would soon relieve themselves from a repetition of the like evil.

I am against all kind of armies in a Government like ours, except the common militia, unless on the greatest necessity. We began by a small standing army—the people would not bear an increase of it—then we resorted to a large detached army. Now we are to have a large volunteer and detached militia army, a little better armed and more energetic. If this should be found not to answer the expectation of military men, and we should hereafter have a President of more military habits, the next change will be a large standing army. And this is the way that republicanism gradually slides into military despotism. I am against them all, call them by as pleasant names as you please. I find mankind about the same. Give them power and they generally go to the extent of it, if they do not abuse it. Give them money and they generally spend it all and want to borrow. And give almost any Administration a large army and navy and a full treasury, and but a small minority to oppose them, and in my opinion they will soon have the country in war.

When I consider that the men to be raised by this bill may be sent to New Orleans, it brings to my mind melancholy reflections respecting the fate of our army in that country the last Summer. If the situation of that place required that army for its defence at that time, and as there were according to the last returns, out of 2,250 men, only about 420 officers and men fit for duty, it may be possible that a part of these men may be required for the same service. I have in my hand two letters describing the situation and sufferings of that army, which I will read, so that the House may see what is publicly reported to have been their sufferings. [The following is one of the extracts alluded to:

"CINCINNATI, OHIO, Dec. 20.

Extract of a letter from a gentleman of the first respectability, to his correspondent in this place dated Fort Adams, Oct. 10, 1809.

"The troops which were stationed before New Orleans, during the Summer, have just passed this place on their way to Washington, (Mississippi Territory,) and a more miserable set of beings I never beheld. Out of 2,000 men, which were mustered at New Orleans last Spring, there are now between six and seven hundred dead; and those that remain are a set of ragged, squalid creatures, hardly able to crawl along with a musket on their shoulder. The sick which they left in the hospital at this place, on their way up, present the most dreadful spectacle of human wretchedness and misery I ever saw in my life. Figure to yourself about 120 beings, in the last stage of the dysentery and scurvy, tumbled into open rooms on the floor, many of them without shirts or blankets; and almost all without shoes or socks, and without fire—and the attendants which were left with them actually unable to bury the dead, for the first few days, being barely convalescent themselves. Somebody must be blameable for the situation of the additional army in this country—they have been exposed to the fatality of the climate below, without either sufficiency of clothing, or skilful surgeons, or hospital stores."]

I have not read these letters for the purpose of criminating any person; but they appear to be

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corroborated by the stubborn facts contained in the report to the Secretary at War, when I see that in about five or six months, such an army is reduced by sickness, death, and desertion, to so small a number, and that about seven hundred of them are dead; and I find by the returns that sixteen commissioned officers have resigned their breath, fifty-one have resigned their commissions to save their lives, and that six have been dismissed by court martial, who I suppose have lost their honor and saved their lives. Now, sir, as I have great reason to believe from the great mortality, sickness, desertion and resignation, that these people have been neglected and treated with great inhumanity and abuse, I never will vote to raise another soldier unless this country should be actually invaded, until the cause of all this misery and wretchedness is properly investigated; and for the honor of the United States, I would hope that it will turn out to be a calamity that could not be avoided; and if it should turn out otherwise, the author of all this misery ought to be dismissed from office, and punished with great severity. I had been in hopes from the solemn and impressive manner that this subject was first brought before the House by the gentleman from Virginia, (Mr. NEWTON,) which was the means of appointing an investigating committee, that we should have had a report before this time. But I presume they will do their duty. That committee and this House, in that respect, have a solemn and imperious duty to perform, which they owe to the friends of the deceased, to the remnant of that unfortunate and miserable army, to their country, their consciences and their God. It is said by the gentleman from Pennsylvania (Mr. SMITH) that this army is to be composed of the best materials and blood of the country; for my part, I will never agree that the best blood or any blood of my constituents shall go to manure the bogs and fens of the Mississippi.

When I take another view of the probable use of this army, and consider that it may be made use of in offensive war against Canada, and that it is to be kept up and become a regular system for twenty years, to storm a bulwark, as I understood the gentleman from New Jersey (Mr. SOUTHARD) to say, and that with them he would cross the lines and annex Canada to this country—when I hear so much of this patriotic Canadian fire, it leads me to think immediately of the defenceless situation of the State that I help feebly to represent, and that as soon as the time shall arrive that we should make any attack on Canada or Quebec, that the best part of that State must again fall a sacrifice to the English, who can, with a fleet, take possession of it when they please; and I would not give one hundred acres of it for the whole province of Nova Scotia for me to live on.

The best part of that State was in possession of the enemy the greater part of the last war. They proved very bad tenants; they burnt our houses and cut down our orchards, and neither paid rent or damages. Notwithstanding all this, that State furnished as many continental troops as any State in the Union in proportion to their

numbers; and such were its exertions, that when the war was over, it was in debt several hundred thousand dollars, incurred in consequence of the war, having this debt to pay and its Government to support by direct taxation, deriving no benefit from the wild and unsettled lands in the United States which were preserved as well by the exertions of that State as by those who have been exclusively benefitted by them. Nor was Rhode Island so fortunate in the assumption of the State debts as to have this debt, incurred in consequence of the war, assumed for them, while other States had considerable sums assumed for them upon a supposition that they had advanced more than their proportion, and upon a final settlement they were found in debt, and would neither refund the sum that was assumed for them or pay the balance thus reported against them.

Many gentlemen who talk strong for war, if we should have one from their local situation would hear but little of it; nor could they be much injured by it; while those places that are the more exposed, such as the State that I represent, must be defended and guarded, if at all, I suppose by torpedoes. And if they should not prove a sufficient protection, and our towns and houses on the seacoast should be burnt, we must then move back into the country and live in the log houses of some large landholder, or be shut up in some large manufacturing establishment to work for our living.

But, sir, we are told by the gentleman from New Jersey (Mr. SOUTHARD) that the Governor of Canada has made a war speech. That gentleman has no occasion to be alarmed, for in that kind of warfare we are able to contend with all the world. And we are the last nation that ought to be frightened into unnecessary expenses by high-toned speeches, let them come from where they may. By what I have heard of his speech it was only calculated to calm the fears of the Canadians, and to persuade them not to be frightened at our war speeches, by telling them that war did not depend so much upon those speeches as upon the moderation of His Majesty. I presume if we will let them alone on the land, they will us.

I am against this detaching, for many reasons that have great weight on my mind. In the State of Rhode Island we have fifteen or twenty independent companies, composed of some of the first and most active men in the State, and to their honor be it said, that they are not excelled by any companies of any kind in the United States. They have been at very great expense in arming, disciplining, and uninforming themselves, and are ready at a moment's warning to do their duty, but they will not turn out and be encamped twenty days for the sake of a gun, or to be disciplined by those who do not know as much about it as they do. And if you detach them and take them from their companies it will be the means of breaking them up. It has already injured them very much and put them to great expense, and, as they are in the most ex-

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posed parts of the State, it is of importance to encourage and not discourage them. Many men detached from the militia, who may think there may be more meant than is really intended, will be imposed upon and put to great expense in hiring some person to take their place.

The quakers or friends must suffer very much by the operations of this law, their personal service must be had, and they made subject to martial law; their persons cannot be exempt by fines or commutation, as from the common militia duty in the State of Rhode Island; some of these people in the country that I live in are in favor of the present Administration, because, they suppose them against war. This law will operate extremely hard upon that society, and I wish it was in my power to relieve them from this military persecution, which will be very injurious to them, and the public can derive no kind of benefit from it. As a society, with few exceptions, they are much and very deservedly respected; as citizens and members of the community, peaceable and industrious.

But, gentlemen say, that the minority find fault because the nation is not protected, and their rights respected, and oppose every measure that the majority attempt for that purpose. We do not find fault because you do not protect our commerce. We know it cannot be done with what ships we have; but we find fault with the Administration for restraining and embarrassing it when they know it is out of their power to protect it.

And as it respects the opposition of the minority to the measures, that they consider ruinous to the best interests of the country, you must expect it. We would help the Administration to retrace, revise, and correct what we consider their former errors. This great anxiety to do something is always attended with bad consequences. I have always considered it a very fortunate session of Congress, under any Administration, for them to meet and revise their former acts, and repeal and amend them, when and where they were found from experience to need it, and separate without doing much other business than making the necessary appropriations.

We cannot protect our commerce without an immense fleet, and I have always been of opinion that such an one cannot be built, manned, and supported in this country, unless by impressions or oppressions. You must either impress men to man your ships for almost nothing, or you must give them such wages to induce them to enter on board as would oppress the whole nation to pay them. In this I differ from many of my political friends and many of my constituents. But I must be permitted to act according to my own judgment. I would have a few ships for the Mediterranean service. Our Minister should go abroad, and return home in a vessel of war—a gunboat at least, and not in a trading coffee ship.

We have been a favored nation in many respects, and a very unfortunate one in many others. For many years past we have been a nation of experiments and substitutes. In respect to our

Navy, we began by building frigates; then we got timber to build seventy-fours; and we have gone through every kind and grade, even down to gunboats, and all we hear about gunboats now is, that it costs us about sixty-four thousand dollars a year to take care of those that are not in use. Now torpedoes are all the rage, the use of which is to succeed the necessity of ships or even gunboats.

We began our commercial warfare with non-importation, for which we substituted embargo, for which we substituted non-intercourse, which is agreed by all parties to be very injurious and ought to be repealed, and it has been continued all Winter, and all the commerce and enterprise of the nation suspended for its friends if it has any to find another substitute, as it will not by any means answer to let this restrictive system run out for fear there would be an end to legislation on that subject.

We began by a standing army; then a large paper detached army. The present are to be enlisted volunteers, to be armed and encamped.

If you want to add to your army you ought to enlist them. If you want militia to do the duty assigned them by the Constitution, to enforce your laws, quell insurrections, and repel invasion, arm them, and they will do their duty. You cannot carry the militia out of the United States by the Constitution. If the Constitution gives that power you would not want a law to that effect, and if it does not, any law that you may make will be unconstitutional and not binding. But, sir, whenever that time shall come, that we have an army of one hundred and ten thousand men at the command of a President, and perhaps one of more martial ambition than the present, our Constitution will gradually lose its virtue, and will only answer for us to read and see what we have been. I have always belonged to the militia, until excused by my age, and stood my chance in the last detachments, and have always been ready to perform that duty whenever called upon. My practical republicanism never would permit me to obtain a travelling title, for the purpose of excusing myself from that service. But if I had supposed that the Constitution could have been so construed as to have authorized the detaching or impressing the militia for nine months' regular service, and that I could have been, for that length of time, encamped at New Orleans, or on the snow, in Canada, or before the walls of Quebec, it would have put me to thinking very seriously at least.

I have a very serious objection to this army, on account of the expense. If the whole of those men enlist, their guns, &c. will be worth a million of dollars at least, and if they encamp, the twenty days in two years, the pay and rations with the tents and camp equipage, with the expense of transporting those things, altogether will be equal to a dollar a day, for a man, including officer and soldier, which will make two millions of dollars more. Add to this the expenses of your armorers, and the rent of your arsenals, if you have five hundred men encamped in a place, you

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must have two hundred encampments, and as many armorers, and arsenals. And if you don't have more, some of the men must travel a great distance. These expenses must all be incurred by this bill, provided they should never be called into actual service.

We now have but little money, and our revenue is for the want of commerce dwindled to almost nothing. It is therefore improper, under such circumstances, to increase our expenses, which will compel us to lay additional duties and burdens on the people; who already have enough to do.

A few days since, while in my seat, thinking how long we had been here, and how little we had done, and how much we had cost the nation, my attention was called very agreeably to a speech of a gentleman on my left, from Virginia, (Mr. EPPES,) describing the great wealth of the United States, saying that they had a solid capital of ten hundred millions of dollars. This immediately raised my spirits very much, thinking if that was the case, a few millions of dollars squandered away would scarcely be missed; but when I heard that gentleman describe this wealth, and inform us in what it consisted, and that it was in an unsaleable and unproductive wilderness, I must confess I again felt the necessity of economy. I have always been pleased to hear that gentleman; he speaks feelingly, and generally with a full knowledge of the subject; but, as I hope he never has been reduced to the necessity of borrowing money, he may not know quite as much on that subject as some gentlemen who have experienced the ill effects of it.

I presume, sir, that it is on the credit of this unproductive wilderness, that we are to borrow money to build and man ships, raise and support armies and to carry on war.

It is with a government, about borrowing money, as with an individual. As long as there is ability to pay this interest punctually, and the principal in a reasonable time, your credit will continue. But if you cannot pay the interest, your revenue having failed; if you depend upon borrowing to support government—to support armies and navies, and have no income to meet those expenses, the stock of the United States will soon be below par, and your credit is at an end. If we borrow, putting a nominal value on our land, as our credit fails, our creditors will have some hand in fixing the price. The value of this land depends entirely upon the commercial prosperity of the United States, and it ought not to be sold and sacrificed until that prosperity is again restored. If we get into war, our floating capital must be had at some rate or other to carry it on. Our young men will go into the Army and Navy; and, if we cannot import foreign manufactures, many of them must go into manufacturing establishments. That instead of this new land being saleable, it will reduce the value of the land already settled, one half at least. And instead of the people making new purchases, and settling new countries, those who are already in new countries, where there are but few inhabitants, will, for the sake of society, and

to better their circumstances, move back to resettle the old States, so that this wild land, in such a state of things, would be worth but little, for a century to come.

It is with the public, as with an individual, who spends his estate at his own valuation. An individual puts a value on his estate, and borrows money until he gets up to half its value, in his judgment; then his creditor undertakes to put on his valuation, according to old Hudibras's mode of valuing property, and takes the whole of the estate for half its value, according to the opinion of the owner—and he is at once made a poor man; but if an individual has wild land, and wants to borrow money, or keep up his credit, it is only to add a few dollars or cents to the acre, which adds to his nominal wealth and sometimes gives him additional credit.

Political and domestic economy are much the same. When a man's income fails him, instead of putting a nominal or fictitious value on his estate, which will deceive himself and his creditors, he had better reduce his expenses to his means. Our revenue having failed, owing to our restrictions on commerce, instead of increasing our expenses, which will make it necessary to lay additional duties and burdens on the people, I would much sooner retrench our expenses; and instead of increasing the duties to warrant this expense, I would reduce them on the necessities of life. And instead of spending three millions of dollars about the present contemplated army, I would reduce the present establishment to a peace establishment, at least much sooner than I would add to the burdens of the people, or sacrifice our western lands.

The people are much in debt one with another. The common farmers of moderate property have suffered much, for the last three years. Everything they have been obliged to buy, has cost them nearly double. Imported woollen cloth, which commonly costs three dollars per yard, has cost them five dollars; and their produce has been proportionally low. I would give them a respite for a few years, until they should recover, in some measure, from what they have suffered for the last three years. But I shall be asked, how can this be done? Rather than not do it, I would pay the interest of the debt, and let the principal remain. I can see no use in borrowing money of one man to pay another, when he does not want his money. If we have all this wealth, why should the people be pushed to pay the public debt at this time? Our debt is about fifty millions of dollars, and if our population should only be five millions, at this time, it would be only ten dollars to each individual. And as our revenue is derived from consumption of dutiable articles, and as that consumption increases with the population, so that as our population increases, our ability to pay increases; and if it should amount to ten millions in twenty years to come, our revenue would be increasing all the intermediate time to answer the purposes of the Government, and at the end of twenty years, our numbers having doubled, our ability to pay is doubled—so that

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each individual's proportion would be but five dollars, being reduced one half without his paying one cent—I am therefore, not only against raising this army for the purpose of laying additional burdens upon the people, but I am against taxing them one cent, directly or indirectly, for the purpose of paying any of the principal of the present debt, when our creditors do not want it. Let those who may come on the stage hereafter take some of the debt, and bear a small part of the burden, with the blessings that I hope they may inherit.

MR. POINDEXTER.—The honorable gentleman from Rhode Island (Mr. POTTER) who has just resumed his seat, has opposed the passage of this bill, as altogether defective both in principle and detail. I shall endeavor to answer so much of his argument, as appears to me at all applicable to the subject under consideration. But, sir, before I proceed to discuss the question immediately before us, permit me to refer to the speech of that honorable gentleman, delivered at the opening of the present session of Congress. The multiplied injuries and insults which we had received, from the belligerent Powers of Europe, were narrated in language strong and impressive, and the patriotic resentment which they appeared to have excited in the bosom of the gentleman kindled almost into a flame of war. The Administration was charged with a want of energy, and the national embarrassments were attributed to that cause. Proclamations and resolutions were denounced as inefficient, and inadequate to redress the wrongs inflicted on this much injured country; and physical force was recommended as the only effectual barrier against future encroachments on our rights. It is now proposed to create such a force, to place it at the disposal of the President, to be used if necessary, in vindicating the rights of the nation, and the gentleman from Rhode Island is found among those who condemn the measure. Can the gentleman reconcile these glaring contradictions, and inconsistencies? What, sir, are the reasons urged against the expediency of raising a detachment of volunteers liable to be marched beyond the jurisdictional limits of the United States? It is admitted that the militia cannot be called out for any other purpose, than “to execute the laws of the Union, suppress insurrections, and repel invasion.” Well, sir, we are told with great emphasis, that there does not exist the most distant danger of invasion either from Great Britain or France. The honorable gentleman from Rhode Island has said, that “if we will let them alone on the land, they will not be disposed to disturb us.” And yet gentlemen, who reason in this manner, are the advocates of that force only, whose Constitutional duty it is to “repel invasion.” I do not credit the idea, that either Great Britain or France will be mad enough to invade this country. They will assail us by a predatory war on our commerce, and perhaps Great Britain may attempt the demolition of our seaport towns, in the event of an open rupture between the two countries. Of what advantage then will it be to the nation, to authorize a

detachment of militia, whose peculiar and limited province it is to “repel invasion?” Let me ask gentlemen who represent commercial States on this floor, whether, if Great Britain should insult our flag in every sea, and immolate the whole mercantile capital of the United States upon the altar of their avarice, sack our cities, and send home our Minister, would the people whose interests they are bound to guard and protect, be satisfied with the information that the National Legislature had made strong and formidable preparations to repel invasion? I think not, they surely respect themselves too much to sit down quietly under injustice and oppression, which leads directly to individual ruin, and national degradation. Pass the bill on your table and the patriotism of the people will carry them beyond the confines of our own domicile, into those countries where the enemy is vulnerable to their arms, and where their bravery will amply retaliate for the wrongs which we receive on the ocean. I will now, sir, examine some of the objections which are made to the details of this bill. It is said, that these volunteers will each be entitled to arms and accoutrements as a bounty for their enlistment, which will be lost to the United States in case they fail, or refuse to perform the service required of them. The gentleman who made this objection has certainly omitted to compare the 5th and 7th sections of the bill, which exclude the possibility of such contingency. By the 5th section “each non-commissioned officer and private shall be furnished with a musket and other accoutrements required by law, in complete order, and each musician with a suitable instrument of music.” And the 7th section provides that for the safe-keeping and security of the arms, accoutrements, and instruments of music aforesaid, the commandant of regiment is authorized and required to designate some convenient place of rendezvous, at which an arsenal shall be established; that an armorer shall be appointed at each arsenal, whose duty it shall be to keep these arms, accoutrements and instruments of music in good order, ready to be delivered to the several companies of volunteers when called out, either to be instructed in camp duty and discipline, or when called into actual service. And at the expiration of the time for which such volunteers engaged to serve, they shall each be entitled to the musket and accoutrements allowed by law, on the production of a certificate from the commanding officer of his regiment, that he has performed the service required by his engagement. The arms and accoutrements are to be retained in the possession of the Government for the use of these volunteers when in actual service, and so far from being a bounty for enlistment, the failure to perform any part of the duty required by the engagement will constitute a forfeiture of the inchoate right, which each volunteer acquires in them. They are given as a reward for extraordinary services, which must be faithfully performed before the right is perfected. But it is said that these volunteers cannot be compelled to fulfil their engagements; and that, when called

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out to perform camp duty and discipline, they will commit depredations on the citizens. I ask, sir, what is to compel the ordinary militia of the United States to perform the Constitutional duties incumbent on them, but the respect for the constituted authorities and the obedience to law, order and good government, which is inseparably connected with the character of an American citizen? I have too much confidence in the honor of my countrymen, to believe them capable of violating the solemn obligations of an engagement, voluntarily entered into, from motives of patriotism, to resist foreign insult and aggression, at the hazard of their lives and fortunes. The man who would shrink from the performance of such an engagement, would become an outcast from society, and be held up to the scorn and derision of his former companions. This Government is founded on the affections and not on the fears of the people. The militia is justly regarded as the only safe depository of the national defence and security. Upon them we are to rely in the hour of danger; their valor will raise a rampart around the Constitution, impenetrable to the shafts of foreign or domestic violence. Shall we then tolerate the supposition, that men who voluntarily step out of the ranks and rally around the standard of their country, with a determination to defend its honor in every extremity and to the remotest regions, cannot be relied on should their services be required; that they will trespass on the rights of their fellow-citizens, when called out to perform camp duty and discipline? Sir, I venture to predict, that this corps of volunteers, when organized, will teach the gentleman from Rhode Island that his speech is a libel on their characters. They will evince by a manly, dignified conduct, that having engaged to defend, they will be the last to trample on the rights of their countrymen. The gentleman has said that if we want a force it should be composed of men regularly enlisted and enrolled in the Army. A standing military force has long been a favorite theme with a certain description of politicians in the United States. For one I protest against the utility of such an establishment. An army composed of raggamuffins and mercenaries ought not to be intrusted with the important duty of maintaining unimpaired the independence of a free and enlightened nation. Your recruiting officers in every quarter of the Union find it impossible to enlist a soldier whose circumstances enable him to subsist at home. That class of citizens whose necessities impel them to seek relief from the most abject want, or whose crimes have sunk them below the level of the sober, honest, and reputable part of the community, are ever ready to take refuge in the ranks of a standing army. The force proposed to be held in requisition by this bill, will be of a very different character. The volunteers, whose services may be accepted, will be composed of the best blood of our country. Men sensible of the wrongs we have received from the tyrant of the seas, and bound by every tie of interest and affection to the Government of their choice; whose first wish it is to transmit

to their posterity the blessings of a free Constitution, will unite in tendering the sacred pledge to redress these wrongs and maintain these rights, or perish in the attempt. They will not exhaust the finances of the country by the receipt of daily pay and rations. Their services are reserved for an occasion which calls for the energies of the nation, and in such a crisis they will bear the American eagle in triumph through every scene of difficulty and danger. I therefore prefer this system to the hacknied one of a regular soldiery, calculated to impose unnecessary burdens on the people, and to produce no practical beneficial result. The gentleman from Rhode Island seems to imagine, that in a war of speeches we might contend with the world, and that victory would be on our side. While I admit the truth of the position, I wish it to be understood, that in such a warfare great reliance ought to be placed on that gentleman and his political friends. In a corps of that description, they doubtless would be among the first to volunteer and undertake the hazardous enterprise of a campaign to the moon, under whose gentle influence they would out-reason even reason itself; and instead of blood letting as a cure for national disgrace, the world would be amused and instructed with the new theory of submission, proved, by arithmetical calculation, to be worth fifty per cent. more than embargo, non-intercourse, or war. I shall not rival the gentleman for the command of such a detachment. I wish to organize one of an opposite stamp, which, composed of the ardent spirits of our country, armed with the sword and the bayonet, and stimulated by the irresistible impulse of patriotism, will carry terror and dismay through the ranks of the enemy. Sir, I represent a portion of the United States bordering on the colonies of a foreign nation, and I can assure gentlemen that we feel none of those repulsive sensibilities as to the consequences of stepping over the line, which have been manifested by those who reside in the neighborhood of the colonies of Great Britain in America. I would not give a pinch of snuff for a force to act within our own limits, should hostilities commence between the United States and the Power to which East and West Florida belong. I wish to touch the enemy where he is vulnerable, whether that enemy be Great Britain or France, or any other nation. This detachment of militia will be but an empty, paper gasconade, unless we authorize a part or the whole of them to march beyond the jurisdiction of the United States. If gentlemen really feel appalled at the idea of threatening the invasion of Canada, I hope they will derive consolation from the reflection, that those who elect the draught will remain as a corps de reserve to "suppress insurrections and repel invasions," respect both the laws and the constituted authorities at home, and leave the glorious task of vindicating the national honor to be performed by men who are willing to sacrifice their lives on the altar of the liberties and independence of their country.

Mr. KEY said he would take the liberty of reminding the gentleman last up that those who

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live in glass-houses should never throw stones; and he did so, because he had charged the gentleman from Rhode Island with not understanding the bill, when he evidently did not understand it himself. The gentleman from Rhode Island says, that if the volunteers who have arms in their possession do not come forward, there is no part of the bill by which they can be compelled to return the arms. The learned delegate says they are not to be delivered till the service is performed, and are then to be retained. [Mr. PONDREXTER said he had stated that these arms were to be deposited at the arsenal which was to be at each place of rendezvous, not to be delivered to the volunteer for his own disposal until he produced a certificate of his having performed the service required by this bill. If there be anything absurd in that (said he) let the learned gentleman from Maryland point it out.] Mr. K. said, if there was any meaning in language, the volunteers were to receive the arms whenever a return should be made of their engagements to the Department of War. The bill provided that immediately on receiving such returns a sufficient number of arms should be furnished to them—and what would be the consequence? The militia, as militia, are subject to militia duties. When brought into the field they will be subject to the rules and articles of war with the modification introduced into this bill; but when they are encamped for ten days they are not militia, nor yet subjected to the rules and articles of war. If they fail in attendance, however, their arms are to “revert” to the United States. This term surely implies a prior possession. There is no mode of compelling the return of their arms. The volunteers cannot be forced into the service if they choose to leave it. In this situation, then, if forty or fifty men choose to walk home with their arms, there is no power to arrest and detain them. When the service is performed, whether it be for ten days or nine months, under certificate of the commanding officer that they have performed it, they become entitled to the arms, holding them in trust till they have performed that service. Mr. K. said he was confident that the learned delegate must admit that they were authorized to have arms as soon as they engage; and, having them, they were at liberty to walk home with them and could not be prevented. Friendly to decorum of debate, and hearing a gentleman charged with negligence in not reading the law, Mr. K. said he had thought proper to give his opinion in support of the construction given by the gentleman from Rhode Island.

Mr. ROOR said he should not have risen at so late an hour to address the House, but for some objections made to the bill as to detail and as to expence. The sixth section of the bill had been attacked by all the artillery of gentlemen, but the centre of the column yet stood firm. Gentlemen who appear to be fearful of delegating power (said Mr. R.) object to the sixth section because it does not contain power enough. At one day it is too strong; the next day it has not strength

enough. How would gentlemen remedy the evil? Would they say that Congress should inflict penalties on the militiaman for not attending to his duty? How would such a penalty be recovered? Who would collect this fine? Who would be the persons to execute the law? Why, the officers under the State Governments. Suppose they should decline to carry this provision into effect. Who is to punish them? We should have been told of its unconstitutionality if any such provision had been contained in this bill. Aware of this, the committee thought it most advisable, instead of terrifying those men into the service, to persuade them into it. I admit, sir, that if these volunteers refuse to go into encampment, before they are called into actual service, there is no penalty on them but the penalty of dishonor and the loss of the arms they would receive as bounty. This is deemed sufficient. If they should be ordered into actual service of the United States, they would be compelled to go into service. We persuade them to go into encampment; if they refuse, they lose their pay and bounty, and are still liable to be called into service; and when called into actual service, if they do not go they are deserters and liable to the rules and articles of war. In this and this only practicable way of securing obedience they would be amply punished for disobedience of the law.

It is said that there are contradictions and inconsistencies in these sections. Suppose gentlemen have to read three sections to understand any provision of the bill. It will be but little trouble, and the result will be that the arms are to be furnished to the volunteers, to be kept in arsenals for their use, and that they have an inchoate right to them, to be perfected at the expiration of their term of service. It requires no great research in reading three sections to discover that this will be the effect.

But it was said by the gentleman just sat down that these soldiers might, after performing five days' service, and having their muskets in their possession, march home without any power to restrain them. Will he say that in service it is not competent to send a file of soldiers to take a man when deserting with a musket? When the soldiery are called into encampment or upon parade, will any one say that for disorderly conduct the soldier may not be put under guard until the parade is over? Being militia till they are called into actual service, are they not liable to the militia laws? The militia laws of the respective States would not be competent to compel them to go to this encampment—but, when they are paraded under the State officers as militia, I ask whether they are not bound by the militia laws of the State? I suppose by the militia laws of the State the commanding officer may issue his warrant for a fine of a few dollars, and have power to confine a delinquent till the fine is paid. Will gentlemen say that it is not competent to the commanding officers to impose these fines? How are they exempted from the militia laws of the States until called into service? The laws of the several States would not perhaps author-

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ize the officers of volunteers to call these men to the place of parade; but when they are paraded, there is ample provision for their punishment for neglect of duty, without reference to the particular manner in which they came upon parade.

A gentleman from North Carolina yesterday made an objection to the bill, on account of the expense which it would involve. If I correctly remember, he estimated the expense at two millions annually; the gentleman from Rhode Island to day estimated it at a million and a half. These volunteers, if the whole number volunteer, will make 135 regiments. The pay of a regiment, estimating the average of service and travelling at 12 days, amounts to 1,985 dollars 60 cents. For a regiment it will require 795 rations a day, which for 12 days amounts to 9,540 rations, which, at 20 cents each, amounts to 1,908 dollars, making for pay and rations for one regiment for 12 days, 3,893 dollars 60 cents. Multiply this by 135, the whole number of regiments, and it amounts to 525,636 dollars for pay and rations for the whole corps for a year. The pay of the brigadiers, with their aids, supposing this corps to be divided into 34 brigades, will amount to 3,298 dollars more, making 528,934. There being 135 regiments, which may be paraded by regiments, battalions, or companies, and as in sparse population some may be encamped in smaller bodies than regiments, there may perhaps be a necessity for 150 armorers. These hundred and fifty at 100 dollars each, will be 15,000 dollars, making in the whole 543,934 dollars. In this estimate I have not included the compensation of a Major General. Whether such an officer would be designated by the President, I am not able to say, and if he be, it will be very little addition to the expense. I have not included camp utensils—I did not feel myself competent to make an estimate of their expense, but I presume it would not be many thousand dollars. Thus, including all incidental charges, the expense of the establishment certainly could not exceed 600,000 dollars a year, excepting the arms. This doubled will produce 1,200,000 dollars. The bounty to 2,700 musicians, at 13 dollars each, is 35,100 dollars. These muskets to be furnished may be estimated at a million of dollars. If the hundred thousand should volunteer, there will be only about 90,000 stand of arms necessary, as the officers and musicians will not require arms. Admitting the whole system to be carried into the fullest operation, the expense for the two years, including arms, will be but about two millions two hundred thousand dollars. I find, by the Secretary's estimation for the present year, that the expense of our little army is rated at 2,313,928—a larger sum by near 200,000 dollars than the expense of this volunteer system in the fullest operation for two years. It will evidently then cost less annually by one half than the present army. Will gentlemen decry this force, then, and resort to the old fashioned mode of getting an army, when we could get 100,000 men for half the expense of the present army, and, in addition to this, arm the militia and instruct them in dis-

cipline? The arms will be a portion of the nation's wealth after they are distributed as premiums to the volunteers, and will be a very important item in the national strength. These arms will be distributed, and a military ambition will be excited through the body of the nation, and a portion of military skill infused.

There is one further objection made by the gentleman from Rhode Island. Now it seems the detachment is a subject of complaint, and the Rhode Islanders to be draughted are likened to the situation of the poor fellows impressed on board the floating dungeons of naval Powers. When were the gentleman's sensibilities first awakened on this subject? Is the detachment of 80 or 100,000 militia, anything new? Was not a similar measure adopted under Washington, Adams, and twice under Jefferson? Where does the gentleman find in the bill before us any new imposition on the detachment to be draughted, unless it be making them liable to serve nine instead of six months? The principle of draughting the militia is not a new thing, and never till now have I heard a complaint of it as arbitrary and tyrannical. As to the other duties imposed by the bill, the persons to perform them voluntarily engage, and in that case there can be no oppression.

The question was taken on the passage of the bill, and determined in the affirmative—yeas 70, nays 47, as follows:

YEAS—Lemuel J. Alston, Willis Alston, jr., William Anderson, Ezekiel Bacon, David Bard, Burwell Bassett, William W. Bibb, Adam Boyd, John Brown, Robert Brown, William A. Burwell, William Butler, Joseph Calhoun, Matthew Clay, John Clopton, Howell Cobb, Jas. Cochran, Orchard Cook, Jas. Cox, William Crawford, John Dawson, Jos. Desha, Wm. Findley, Jonathan Fisk, Meshack Franklin, Gideon Gardner, David S. Garland, Thomas Gholson, Peterson Goodwyn, James Holland, Benjamin Howard, Jacob Hufty, Richard M. Johnson, Walter Jones, William Kennedy, John Love, Aaron Lyle, Robert Marion, Samuel McKee, Pleasant M. Miller, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, Gurdon S. Mumford, Roger Nelson, Thomas Newton, John Nicholson, John Porter, Peter B. Porter, John Rea of Pa., John Rhea of Tenn., Matthias Richards, John Roane, Erastus Root, Ebenezer Sage, Thos. Sammons, Adam Seybert, Samuel Shaw, Dennis Smelt, John Smilie, George Smith, John Smith, Henry Southard, John Taylor, John Thompson, Uri Tracy, Charles Turner, junior, Robert Weakley, Richard Winn, and Robert Witherspoon.

NAYS—James Breckenridge, John Campbell, John C. Chamberlain, William Chamberlin, Epaphroditus Champion, Martin Chittenden, Samuel W. Dana, John Davenport, jr., William Ely, James Enott, Charles Goldsborough, Thomas R. Gold, William Helms, Nathaniel A. Haven, Jonathan H. Hubbard, Richard Jackson, junior, Robert Jenkins, Philip B. Key, Herman Knickerbocker, Joseph Lewis, junior, Edward St. Loo Livermore, Robert Le Roy Livingston, Nathaniel Macon, Vincent Matthews, Archibald McBryde, William Milnor, Jonathan O. Moseley, Joseph Pearson, Benjamin Pickman, jun., Timothy Pitkin, junior, Eliza R. Potter, Josiah Quincy, Daniel Shelley, Samuel Smith, Richard Stanford, John Stanley, James Stephenson, Lewis B. Sturges, Jacob Swoope, Samuel

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Taggart, Jabez Upham, Nicholas Van Dyke, Archibald Van Horn, Killian K. Van Rensselaer, Laban Wheaton, Ezekiel Whitman, and James Wilson.

WEDNESDAY, March 21.

Mr. G. SMITH, from the committee appointed, on the 25th of January last, on the petition of certain collectors, presented a bill for altering the times and places for holding the district court in the District of Maine; which was read twice, and committed to a Committee of the Whole on Monday next.

Mr. NEWTON, from the Committee of Commerce and Manufactures, presented a bill to erect a light-house at the entrance of Scituate harbor; a stone column on a spit of land at the entrance into Boston harbor; and a beacon on Beach point, near Plymouth harbor, in the State of Massachusetts; and a light-house at the entrance of Bayou St. John, into Lake Pontchartrain; which was read twice, and committed to a Committee of the Whole on Friday next.

The resolution was read, and ordered to lie on the table.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of

Representatives of the United States:

I lay before Congress a return of the Militia of the United States, as received by the Department of War, from the several States and Territories.

JAMES MADISON.

MARCH 20, 1810.

ABSTRACT OF THE RETURNS.

	<i>Years.</i>	<i>Total.</i>
New Hampshire - - - -	1809	24,281
Massachusetts - - - -	1809	69,553
Vermont - - - -	1809	20,439
Rhode Island - - - -	1808	7,848
Connecticut - - - -	1809	20,176
New York - - - -	1807	92,554
New Jersey - - - -	1809	33,505
Pennsylvania - - - -	1809	96,467
Delaware - - - -	1808	8,579
Maryland - - - -	1807	39,047
Virginia - - - -	1808	80,863
North Carolina - - - -	1809	47,922
South Carolina - - - -	1807	29,604
Georgia - - - -	1809	25,088
Kentucky - - - -	1809	40,599
Tennessee - - - -	1805	16,822
Ohio - - - -	1807	15,324
District of Columbia - - - -	1808	2,245
Mississippi Territory - - - -	1807	2,158
Indiana Territory - - - -	1806	2,067
Orleans Territory - - - -	1807	5,626
Louisiana Territory - - - -	1809	2,540
Michigan Territory - - - -	1806	1,028
Total Militia - - - -		684,335

The House proceeded to consider the amendment of the Senate to the amendment of the House of Representatives to the amendments of the Senate to the bill, entitled "An act to prevent the issuing of sea-letters, except to certain

vessels;" and the same being read, was concurred in by the House.

The House then proceeded to consider the modification of the Senate to their fourth amendment to the bill, entitled "An act providing for the third census, or enumeration of the inhabitants of the United States; and the said modification being read, was concurred in by the House.

A message from the Senate informed the House that the Senate concur in the appointment of a joint committee to report what business is necessary to be done in the present session, and when it may be expedient to close the same; and have accordingly appointed a committee on their part.

GENERAL WILKINSON.

Mr. PEARSON said his object in now addressing the House was, to introduce to their attention a subject interesting to the honor, and intimately connected with the safety of the nation—a subject which had occupied a great portion of the public attention, and, if he was not mistaken, had excited much public indignation. The resolution he was about to propose was in relation to the conduct of the Commander-in-Chief of the Army of the United States. Gentlemen, said Mr. P., are not at this time to be informed that suspicions, not light as air, not depending on ordinary rumor, nor upon common newspaper publications, but appearing in a shape infinitely more imposing, hang over the head of this officer, and the wonder only is, why this subject has been permitted to rest uninvestigated so long. It is not at present my intention to give any opinion as to the truth or fallacy of the charges exhibited against this officer, because I conceive it improper so to do; for, if an investigation of his conduct does take place, it will be conducted by gentlemen of this House, and it would be improper to prejudice any case on which we are to decide, as we are bound to do justice as well to the individual as to our country. The character of a soldier has always been dear to me. I have been taught to respect the name of soldier; and whenever I think of it, honor and patriotism associate themselves with the idea. But I will take the liberty of stating that the charges for some time existing against the Commander-in-chief have become more imposing, to my mind, at least, in consequence of a publication which came out during the last year, in which those charges are specially stated, and the evidence with which they are supported, illustrated in a manner calculated to make an impression on the mind of almost any man. In order that complete justice may be rendered to this officer, and to my country, I offer the following resolution:

Resolved, That a committee be appointed to inquire into the conduct of Brigadier General James Wilkinson, in relation to his having at any time, whilst in the service of the United States, corruptly received money from the Government of Spain, or its agents, or in relation to having, during the time aforesaid, been an accomplice, or in any way concerned with the agents of any foreign Power, or with Aaron Burr, in a project against the dominions of the King of Spain, or to dis-

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member these United States. That the said committee inquire generally into the conduct of the said James Wilkinson, as Brigadier General of the Army of the United States; that the said committee have power to send for persons and papers, and compel their attendance and production, and that they report the result to this House.

Mr. PEARSON said it was not his intention, at this time, to agitate the question. He wished it to lie on the table a day at least.

BATTURE AT NEW ORLEANS.

The House proceeded to consider the bill providing the means to ascertain the title of the batture in front of the suburb St. Mary in New Orleans.

Mr. BIBB moved to strike out from the word "that," in the second line of the first section of the bill, to the end of the said bill, for the purpose of inserting the following:

"That the interest in, or title to, the batture fronting the suburb St. Mary, in the city of New Orleans, which may have vested in the United States by the treaty of cession between the United States and France, concluded at Paris on the 30th of April, 1803, be transferred to, and invested in, the corporation of the city of New Orleans, so far as to enable said corporation to defend any suit or action which may be instituted for the recovery of the whole, or any part, of the said batture, in any court having competent power and jurisdiction to hear and determine the same; and, if no such suit or action shall be instituted and prosecuted to final judgment or decree within — years, all individual claim, right, or title, to the batture, shall thenceforth be forever barred.

"SEC. 2. *And be it further enacted*, That, in the trial of such suit or action, the jury shall be composed of citizens of the Territory, but not of the city of Orleans.

"SEC. 3. *And be it further enacted*, That, until such trial shall be had, the said batture shall be used and enjoyed as a public highway and landing place as well by the citizens of the United States as the inhabitants of New Orleans, who shall continue to enjoy the same right of digging and carrying earth from the said batture, which they were accustomed to enjoy under the late Spanish Government."

Mr. GHOLSON, desirous to introduce an amendment different from Mr. BIBB's, called for a division of the question, so as to take the question first on striking out, that he might be at liberty to move a substitute different from that offered by Mr. BIBB.

The motion to strike out the sections was supported at great length by Messrs. GHOLSON, LOVE, TAYLOR, and MACON; and opposed by Messrs. ROSS, KEX, SHEFFEY, and BOYD.

The House adjourned without taking a question on it.

THURSDAY, March 22.

Mr. RHEA, from the Committee on Post Offices and Post Roads, presented a bill to establish post roads; which was read twice, and committed to a Committee of the Whole on Monday next.

Mr. JOHNSON presented a petition of Urbain Guillet, on behalf of himself and his associates,

known by the name of the "Society of La Trappe," resident in the Illinois Territory, praying a confirmation of their title to a certain described tract of land in said Territory; also, for a grant, or to be permitted to purchase on a credit of twelve years, *without interest*, a parcel of land adjoining their residence, and to be permitted to locate any warrants which they may hereafter be possessed of on public lands most convenient to themselves; the proceeds of all of which, they state, are to be applied to the free education of youth.—Referred to the Committee on the Public Lands.

A motion was made by Mr. EPPES, that the unfinished business of yesterday be postponed until to-morrow; and the question being taken thereon, it was determined in the negative.

Ordered, That the unfinished business do lie on the table.

The House then resolved itself into a Committee of the Whole on the bill making appropriations for carrying into effect certain Indian treaties; and, after some time spent therein, the bill was reported with several amendments thereto; which were read, and severally concurred in by the House. The bill was then ordered to be engrossed, and read the third time to-morrow.

NATIONAL BANK.

Mr. LOVE moved to discharge the Committee of the Whole from the further consideration of the resolution relative to the establishment of a National Bank. He observed, that the resolution, as offered by himself, contemplated a reference of it to a select committee, but after it was presented, it was so modified by different gentlemen as at last to become scarcely intelligible, and was with his assent referred to a Committee of the Whole. That at that time a speedy investigation of the subject was expected, and he felt no objection to discuss the general principles of the measure, but so much time had elapsed without a better prospect of that general discussion, that he was induced to fear the subject, unless soon acted on, might not undergo the examination its very great importance merited.

Mr. L. said it was a subject which could be much better presented, and rendered much more intelligible by the details of a bill than the most laborious argument, and he conceived it was one, the relations of which, to the interests of the community, had never been sufficiently explored. He presumed, he said, to think that it would be no difficult matter to organize a bank in such way as to render to the public a great share of the advantages, which institutions of the kind under national patronage had never failed and never could fail, to give to the first purchasers of stock, and yet leave the capitalists sufficient inducement, and perhaps to real capitalists a greater inducement, to become stockholders, than would in the ordinary mode be given them; while the only other effect of the plan he had conceived as it respected individuals, would be to prevent the enormous speculations, which would otherwise take place, as had been experienced in the establishment of the United States Bank.

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He could prove that, by the mode of establishment adopted for that bank, at least \$3,000,000 had gone into the pockets of speculators, very many of whom never became stockholders, which ought to have gone into the pockets of the people—at the same time that real capitalists and permanent stockholders paid fifty per cent. advance for their shares.

He flattered himself that very important improvements might be suggested in the draught of a plan for a National Bank, and which would secure the most important benefits to the public. He had no doubt that the most eligible plan which could be suggested would be entirely exempt from Constitutional objections, and would only add, that sufficient inducements might be offered to the States to make it their wish to become interested in the institution, on principles of general welfare and common safety, and also from prospects of the most substantial pecuniary advantages. He added also, that he thought it perfectly practicable to present a plan, which, in its effect on society, would have the strongest tendency to prevent the further increase of the numerous private associations, which he feared, if they continued to increase as they had for several years past, would produce the destruction of everything useful in banking institutions, and leave us to feel the effect of that which was most injurious in them. It had become the duty (he said) of the United States Legislature to act on the subject.

Mr. L. hoped the House would discharge the Committee of the Whole, and refer the proposition to a select committee, with leave to report by bill or otherwise.

Mr L's motion was agreed to, 47 to 28.

REDUCTION OF THE ARMY AND NAVY.

Mr. RANDOLPH said he wished to submit a motion to the House, which was of a nature that would require perhaps, at least justify, some general observations. During his unavoidable absence from his duty in the House the present session, Mr. R. said it had been some consolation to him to reflect that if he had been unable to participate in any of the measures which the wisdom of the Government might have devised to meet the necessity of the State, at least those measures were not in anywise retarded or impeded by any opposition of his. True it is (said he) that at the distance at which I was placed from the seat of Government, and through the medium through which I viewed its measures, it was impossible for me to discern anything like a system pursuing or about to be pursued by the Government of this nation. But this, sir, I attributed to my own want of information, not to the want of decision or wisdom in the Government. I flattered myself that when I should have reached the seat of Government, when I should be on the spot, that I should then at least be enabled to discern a degree of something like a regular system of policy pervading the great councils of the nation. But, sir, using all the means accessible to me, during the time which I have been in Washington, I have been unable to detect anything like design, any-

thing like concert, anything like a plan to be pursued by this House in relation to our national concerns—I ought perhaps to say, until this moment. But I understand, sir, at length the budget has been opened—that a system has been brought forward for raising supplies by loans and by additional taxes. It is in relation to this system that the motion which I am about to make will stand. I had indeed supposed, sir, that when the Government of the United States should get into operation at this session, the first act would be (if indeed we could not build up) to pull down that which every one seemed to acknowledge was inefficient, ridiculous, and hurtful—I allude to the celebrated non-intercourse law—and I certainly should have felt it my duty to submit a motion on that subject as soon as I took my seat, if I had not been informed that a bill was *in transitu* between the two Houses to effect that object. Why indeed the nation should have tolerated this acknowledged evil, I have never been enabled to discover. I had supposed that the first step would have been to do away the confessed evil, by way of preparation for some substantial good. In this, however I have been unfortunately mistaken. Whether the people of the United States were ever to retrieve that flourishing commerce which had been so childishly spoiled, Mr. R. said it was not for him to undertake to determine. Commerce was a delicate, a ticklish thing—and when it had formed for itself new channels, like the mighty water course, it was difficult indeed to turn it back into the old. But, if the commerce of the United States was ever to be regained, he would venture to say that it would not be brought back by the means of additional duties. The embargo and non-intercourse—he had almost forgotten to mention the non-importation act—had changed the habits and feelings and principles of the mercantile class in this country. As foreseen and predicted, a system of smuggling, of illegal trade, the most ruinous to the fair trader, the most injurious to the agricultural interest and destructive to the revenue that could be conceived, had been organized. A man has nothing to do, said Mr. R., but to go into the market, and give a premium to have his cotton or tobacco placed in Liverpool or London, or to have an assorted cargo of prohibited goods placed in any street of Baltimore or Philadelphia. Whether these habits will ever be checked, it belongs not to me to predict—but they certainly will never be checked by high duties operating as a premium on smuggling.

But it may be said that the nation is in that situation in which it is necessary to act, to do something. I agree, sir, that it is—although I hold it not to be the least of the qualifications of a statesman to be apprized when it is necessary not to act. A proposition is now in substance—and I wish to bring it in form—submitted to this nation, whether they will encounter a system of additional taxation and loans, or whether they will make a reduction in their unprofitable establishments. I think, if I have not forgotten, that the Secretary of the Treasury, in his annual re-

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port, has stated, that by an adequate reduction in the army and navy, the necessitous state of our finances may be relieved. But, perhaps, sir, it may be said, shall we, in the present undecided state as respects the belligerents of Europe, make any movement which shall indicate a disposition on our part to submit to those belligerents? Certainly not. But, Mr. R. asked, was there any one who heard him who seriously thought of war, or believed it a relation in which we could be placed? He for one did not. War with whom? War with France!—Carried on where? By us here, and by France in old France?—For she had no possessions in our neighborhood. War with England?—Carried on where? In the hospitals at New Orleans? Granting that our situation with either of the belligerents was a hostile one, Mr. R. said he for one would in that case still be ready to accede to his proposition—for he saw no use in keeping up an establishment, a costly set of tools, which we could not, if we knew how to, use.

It is possible, however, said Mr. R. that all this time I may be under a mistake—that there is a system, that there is a plan, that there is a concert; and indeed if the old maxim be true, *ars est celare artem*, ours must be one of the most refined systems—it eludes not only sight but touch, and would elude even a chemical analysis. I would wish to ask this House, after all that has been said or that can be said on the subject, whether we must not—we may make as many wry faces as we please—go back to that ground (if it be possible to regain it) which we have so childishly and wantonly abandoned? We must—we may begin upon the system of loans and taxation, but the people of the United States will tell us to stop, and we must obey. Will the people of the United States consent to keep up expensive military and naval establishments, of the very existence of which they are ignorant until they are made acquainted with them by burdensome taxes and a debt entailed on their posterity—and for what? To what earthly end? If you cannot keep your army alive in time of peace, I ask in the name of common sense what will you do with them in time of war? Is there a man who hears me who feels one atom of additional security to his person or property from the army of the United States? Has it ever been employed to protect the rights of person and property? Has it ever been employed but in violation of personal rights and property—in the violation of the writ of habeas corpus, and as a new modern instrument of ejection? Sir, go through the country, and put to every freeholder in the land this question—Are you willing to pay one third more of duty, and an hundred per cent. on that third, upon sugar, coffee, and so forth, for the sake of the establishment at New Orleans? We may say what we please, sir, but that expedition which, until ours, surpassed in folly every other expedition ever undertaken—the famous expedition of a British army against Flushing, where they had an army as well as climate to contend against—that expedition, which even their own ministry dare not defend, but quarrel amongst each other who shall have the blame

of it, was surpassed in disaster by the mortality of the American Army. And yet, sir, for this shadow, this skeleton—it is indeed a skeleton of an army—the people of the United States are to submit to loans and taxation. With respect to the navy, I say nothing of that. Its exploits are already registered in our Journals. And the fact of the frigate Philadelphia run ashore on the tail of the Horse Shoe, is the only one in our naval annals for several years past.

With respect to war—we have, thank God! in the Atlantic, a fosse wide and deep enough to keep off any immediate danger to our territory. The belligerents of Europe know, as well as we feel, that war is out of the question. No, sir—if our preparation was for battle, the state physicians have mistaken the state of the patient—we have been embargoed and non-intercourse almost into a consumption, and this is not the time for battle. If indeed the state was about to undergo inoculation for the small pox, this reduction would have been according to the best medical authorities.

Mr. R. said he would therefore submit to the House, under these views, the best he had been able to take, two distinct propositions in a single resolution, in order that the House and the people of the United States might determine whether they would submit to encounter the European system of loans and taxes, or whether they would reduce establishments, which (to say the best of them that could be said) were mere incumbrances. It was, he thought, about nine years ago since he had the honor of making a similar motion in this House, which was the precursor of the abolition of the internal taxes. He hoped the motion he was now about to make would be the harbinger of protection against the system introduced into the House yesterday—that at least, if it was not the means of taking off taxation, it might prove an antidote against it. Mr. R. then moved: “that the Military and Naval Establishments ought to be reduced”—not that he was at all opposed to a reduction in any other article of expense. He believed that many other and important reductions might be made in the expenses of the Government. The spirit of reform, he said, had long slept in this House. He would go as far as any man in retrenching expenses, but he confessed his object now was to take the bull by the horns. He considered these two objects to be the great drains and sinks of the public Treasury. I do not, said he, profess a better acquaintance with the public sentiment than others, but I believe, if you were to propound the question to every man in the United States capable of judging, that not merely nineteen-twentieths, but nine hundred and ninety-nine hundredths of them—always excepting those who draw emoluments from these establishments, and their immediate connexions, whether in this House or out of it—the good honest yeomanry of the United States, who never saw these things, whose only proof of their existence is in the money they call for, would say, in God’s name let us have none of them. If we are to have war, we know that we, the peo-

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ple of the United States, and not the invalids from the hospitals on the Mississippi, must fight the battles.

The House agreed to consider the motion of Mr. RANDOLPH; and the question being stated on its passage in the following words:

"Resolved, That the Military and Naval Establishments ought to be reduced."—

Mr. EPPES presumed that the gentleman from Virginia would not ask of the House to decide this question at a moment's warning. I have, said he, no objection to refer the resolution to a Committee of the whole House and to discuss it. If gentlemen on this floor who voted in 1807 for an increase of the Army and Naval Establishments, can find in the present posture of the affairs of this country a sufficient ground to reduce these establishments, and at the present moment, when perhaps the first gale may bring news which will enable us to reduce them with honor—if it is the intention of gentlemen thus to stamp themselves with the charge of folly for originally increasing them, I cannot coincide with them; but if it was originally proper to raise this force, there are no circumstances which ought at present to induce Congress to reduce it. But at the same time, sir, I am far from saying that I do not believe that the Army and Navy may be reduced before the end of the present session. It is true that the deficit in the revenue may be saved by a reduction in the Army and Navy; but there is no reason why it should be done when every other circumstance forbids it. There is a bill before the House for the increase of duties; it is reported in blank, and the ratio of addition will be fixed at the pleasure of the House. It is reported on the principle, which is fair, that those who incur a debt should pay it. The deficit of revenue should be supplied by those who incurred the expense which caused it. I voted for the Army, and shall not be deterred from voting money for an object which I believed necessary and which I still believe was necessary at the time it was adopted. As to the present situation of the Army of the United States, I am not acquainted with it, except from private letters. No man more than myself deploras the situation of that army; and from whatever cause it has proceeded, whoever is to blame, whoever is responsible for keeping the troops in a swamp, and sacrificing one half of them, I hope will be exposed to the public. It may be proper to observe that a bill passed this House yesterday for organizing a force more congenial to the feelings of freemen, which will perhaps much reduce the necessity of keeping a military force embodied.

Sir, I do not for my part know what course will be pursued by Congress at the present session. The gentleman from Virginia seems disposed to repeal the non-intercourse—and I consider it perfectly consistent in him to vote against it, because he did so when it was passed—it is perfectly consistent in him to say that it is inefficient, because he has said so before—and that it is perfectly consistent in him to reprobate every measure taken for four or five years past, because he did at the time reprobate them. Our situation

as to commerce, sir, does not proceed from our acts, but from the injustice of the belligerents; who by their decrees and orders at a single blow reduced our exports from one hundred and eight millions to less than seven. During the year 1809 our revenue was about ten millions—during the year 1810 it will probably not be more than eight. I have, as I before said, no objection to meet the question, but the reduction of the Army will not do away the necessity of additional revenue, because our exports are so much reduced that we cannot avoid this year increasing the duties, or perhaps for some years to come. One reason of the reduction of revenue is, that our manufactures have increased so much as to exclude many foreign articles—nay, so far have those manufactures progressed, that samples of the manufactures have been sent to England to be imitated, and sent to this country to rival our domestic manufactures. With this view of the decrease of our imports, an additional duty of five per cent. on goods paying a duty *ad valorem*, would produce a million; and raising the specific duties thirty-three and one third per cent. would produce two millions, making three millions, the supposed amount of the deficit.

Mr. RANDOLPH said he had no idea of provoking the discussion which had commenced. He was willing to submit his proposition to the same committee as had under consideration the gentleman's proposition for laying additional duties, and let gentlemen take their choice. The great difficulty which he felt in speaking in this Hall had caused Mr. R. to omit one remark, and that was—that if Congress did mean to lay additional duties, it would be necessary to keep them on not only this year, but many years. Mr. R. said he had not expected from the gentleman who is at the head of the Committee of Finance in this House, such an opinion on the subject of indirect taxation as was to be gathered from his observations. What would be the effect of laying additional duties for one or two years? The effect would be that the articles on which the duty was laid would not be imported, because they would have to compete in the market with those articles already imported free of additional duty, and moreover would have to contend against the well-grounded expectation that in a short time the duty would be taken off. So that instead of getting revenue you diminish it by laying additional duties, because the very articles which are to produce revenue will cease to be imported. There is no clearer question in finance or even in arithmetic than this.

His colleague had said, Mr. R. observed, that, the revenue having diminished, heavier duties must be imposed on certain articles—why? Because, forsooth, the articles are imported under a disadvantage, owing to the increase of our domestic manufactures. If so, if in order to get revenue, higher duties were to be laid on imported articles not able to contend in our markets under only the present duties, this was altogether a new plan to him—it must be of the new school of finance—it was altogether incomprehensible. With re-

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spect to the principle that those who incur debts ought to pay them, Mr. R. said he agreed with his colleague—and, although he was not one of those who incurred the debt, he was one of those who were willing to pay it. They would unquestionably by this system of additional duties destroy what revenue was left from duties on imports and tonnage. He said he rather suspected his colleague had fallen into a small mistake, and that when he spoke of *ad valorem* duties on goods imported, he ought to have said on *articles dutied*—for under the present regime they did not amount to precisely the same thing—and Mr. R. said if we got back, which he did not know to be practicable, to the old system, we should find an increase of revenue, notwithstanding the rivalry of our own manufactures.

One word more, said Mr. R., and I have done, at least for to-day. Among the objects which induced me to submit the motion now before the House, or at least one which in my mind ought to weigh in its favor, is this: that this planting our soldiers like so much rice in a swamp, which my colleague wishes to see brought to light, and in which wish I concur, has had one effect—it has given the *coup de grace* to the recruiting service, which never was a very flourishing branch of our home manufacture of a standing army. If it be true, as alleged, that dead men tell no tales, it must be also true that they can draw no rations. But I can demonstrate, however true in common sense, that is not true in the Treasury, for there never has been an instance of one dollar refunded in the Army or Navy for persons not in place, although the estimate is always made up on the supposition that the complement of men is complete and full.

My colleague is mistaken, sir. I have not reproached every measure for five years past. I had the honor of proposing some measures—that of arming the militia for instance, which was adopted, with what grace I will not say. I had the honor of proposing others which were subsequently adopted when taken up by other gentlemen. I might mention the contract bill, the alteration of the rules and articles of war—I might go further, but I am not disposed further to trouble the House or exhaust myself.

Mr. SMITH said he was surprised that the gentleman from Virginia had expected an immediate decision of his motion. He could not expect that it should be immediately decided. He did not regret that it had been brought forward, and he did not say what his opinion would be when they came to decide on it; but to do it at present, he said, would be certainly premature. The observations made with respect to the finances, the state of the Army, and all that, he considered out of the question at present. The subject of the state of the Army was besides committed to a committee. All these subjects he said he was willing to meet at a proper time, but he was not going to decide on a motion of so much importance as that before the House without due consideration.

Mr. MACON said that both the gentlemen from

Virginia seemed to have given him a left-handed touch. In reply to one (Mr. RANDOLPH) he would observe that he would never allow that the embargo was not a wise measure, and he was willing to discuss it over and over again at any time. The other gentleman (Mr. EPPES) had spoken of the Army. Mr. M. said, he did vote for the increase of the army, and in a similar situation would do the same again. He had believed that the attack on the Chesapeake was as much war as the attack on Copenhagen. This had been his impression, and this he had stated at the time he had voted for an army. He had believed at that time that Great Britain meant to follow up her blows, and he was prepared to meet her. But, since that, an embargo had been laid and then substituted by non-intercourse. If the sin of embargo was on his head he said he should die with it. He was willing that this resolution should be committed. News might come from Europe which would make it necessary to raise money. If so, said he, let us do it when it comes; let us do what is right under existing circumstances. As to the Army, I never had a doubt of the right of this House to inquire into the state of it. It belongs to the nation, and not to the Executive.

Mr. RANDOLPH wished to state that he had given his friend from North Carolina too many honest right-handed touches, ever to give him a left-handed one.

Mr. EPPES said he had no intention to give the gentleman a wipe—for it would have been at the same time to cast a reflection on himself. It will be recollected, said he, that when I voted for the Army I took the ground that the embargo must at some time be raised, and when it was, that there must be war; and I declare that if I had foreseen that the establishment would be kept up year after year, and that those who raised the troops had not enough to use them, I should not have voted for them. I never have been for raising standing troops in time of peace, and I fear not that it will be believed that I am in favor of either a standing army or navy in time of peace. Our defence depends on the people, but a portion of troops were necessary for garrison duty in which the militia cannot be employed; and when the additional troops were raised, they were considered for that object, and it was so stated at the time. I voted for them for war, and not for peace; and whenever it is decided by the Representatives of the nation that they will submit to the decrees of Great Britain and France, whenever they repeal the non-intercourse, which, whether feeble or strong, is the only measure between us and submission, I for one will go hand in hand with those who will reduce the Army and Navy, and give to the people all the advantages which will result from what I shall deem a surrender of their rights.

The question was then taken on Mr. RANDOLPH'S motion to refer his resolution to the same Committee of the Whole to whom was committed the bill for laying additional duties, and carried.

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The House again resumed the consideration of the bill to provide the means to ascertain the title to the batture; Mr. BIBB's motion to strike out all but the enacting clause being still under consideration.

Messrs. GHOLSON, HOLLAND, and W. ALSTON, supported the motion, and Mr. FISK opposed it.

The House adjourned at five o'clock without taking the question.

FRIDAY, March 23.

Mr. SAWYER, from the committee appointed on the 17th instant, presented a bill to alter the times of holding the district courts of the United States, for the district of North Carolina; which was read twice, and ordered to lie on the table.

Mr. NEWTON, from the Committee of Committee of Commerce and Manufactures, presented a bill to allow the benefit of drawback on merchandise transported by land conveyance from Newport to Boston, and from Boston to Newport, in like manner as if the same were transported coastwise; which was read twice, and committed to a Committee of the Whole on Monday next.

A motion was made, by Mr. JOHNSON, that the unfinished business of yesterday lie on the table; and the question being taken thereon, it was determined in the negative.

A message from the Senate informed the House that the Senate have passed the bill sent from this House, entitled "An act to make public a road in Washington county, in the District of Columbia," with amendments; in which they desire the concurrence of this House.

Mr. QUINCY, from the committee to whom was referred the Comptroller's statement of balances remaining unsettled at the Treasury, reported a bill providing for the more perfect accountability of persons entrusted with public moneys. [This bill provides that every public agent or other person accountable for public moneys shall render his accounts at least once a quarter to the Treasury if he reside within the United States, and at least annually if he reside in foreign countries.] Twice read and committed.

Mr. QUINCY also made a detailed report in relation to the balances aforesaid; which was read, and referred to the same Committee of the Whole.

The House resolved itself into a committee of the Whole on the bill authorizing the discharge of Phineas Varney from his imprisonment.

[This is a case of imprisonment for violation of the embargo laws. The petitioner was employed by Swanton & Davis, of Bath, during the embargo, to go on an unlawful voyage, which he concluded and paid the proceeds into their hands. He was subsequently prosecuted for a violation of the embargo laws, fined \$3,000, and imprisoned because unable to pay it or procure it to be paid.]

After considerable contest, Messrs. COOK and ROOR chiefly supporting the bill, the Committee

reported it to the House, and it was ordered to be engrossed for a third reading.

An engrossed bill authorizing the discharge of John Kerr from his imprisonment, was read the third time, and passed.

BATTURE AT NEW ORLEANS.

The House then resumed the consideration of the bill providing the means to ascertain the title to the batture in front of the suburb of St. Mary, in New Orleans.

Mr. BIBB's motion to strike out, yet under consideration—

Mr. SHEFFEY read an amendment, which, if the motion for striking out was agreed to, he should propose. The amendment proposes the appointment of three commissioners, whose decision on the title is to be reported to Congress on or before the first day of January next, and to be valid and final, unless reversed by Congress before the 4th day of March succeeding.

Mr. S. supported his amendment by some remarks.

Mr. W. ALSTON and Mr. RHEA spoke generally against the bill.

A motion was then made by Mr. DAWSON to postpone the further consideration of the bill to Monday next, and carried.

SATURDAY, March 24.

A motion was made by Mr. NELSON, that the House do now adjourn; and the question being taken thereon, it was determined in the negative—yeas 28, nays 29.

Another motion was then made, by Mr. JOHNSON, that the House do now adjourn; and the question being taken thereon, it was determined in the negative—yeas 27, nays 49.

Mr. JOHNSON, from the Committee of Claims, presented a bill for the relief of John Minor, administrator of Reuben Minor; which was read twice, and committed to a Committee of the Whole on Friday next.

The House resolved itself into a Committee of the Whole on the bill concerning invalid pensioners; the bill was reported, with several amendments thereto.

An engrossed bill making appropriations for carrying into effect certain Indian treaties, was read the third time, and passed.

Another engrossed bill authorizing the discharge of Phineas Varney from his imprisonment, was read the third time.

A motion was made by Mr. TALLMADGE, that the said bill be postponed indefinitely: And the question being taken thereon, it was determined in the negative. The question was then taken that the said bill do pass, and resolved in the affirmative—yeas 60, nays 50, as follows:

YEAS—Lemuel J. Alston, Willis Alston, junior, Ezekiel Bacon, James Breckenridge, William A. Burwell, William Chamberlin, Epaphroditus Champion, John Clopton, Howell Cobb, James Cochran, Orchard Cook, Richard Cutts, Samuel W. Dana, John Davenport, jun., William Findley, Gideon Gardner, Thomas R. Gold, Edwin Gray, William Hale, Nathaniel A.

Haven, Daniel Heister, James Holland, Richard Jackson, junior, Robert Jenkins, Richard M. Johnson, Walter Jones, William Kennedy, Herman Knickerbacker, Matthew Lyon, Vincent Matthews, Pleasant M. Miller, Wm. Milnor, John Montgomery, Jonathan O. Moseley, Gurdon S. Mumford, Thos. Newbold, John Nicholson, Timothy Pitkin, jr., Peter B. Porter, Elisha R. Potter, Josiah Quincy, Erastus Root, Samuel Shaw, Daniel Sheffield, Dennis Smelt, John Smilie, George Smith, Samuel Smith, Richard Stanford, John Stanley, Samuel Taggart, John Thompson, Charles Turner, junior, Nicholas Van Dyke, Archibald Van Horn, Robert Weakley, Laban Wheaton, Ezekiel Whitman, James Wilson, and Richard Winn.

NAVS—William Anderson, David Bard, Burwell Bassett, William W. Bibb, Adam Boyd, John Brown, Robert Brown, William Butler, Martin Chittenden, Matthew Clay, James Cox, William Crawford, John Dawson, Joseph Desha, William Ely, James Emott, Meshack Franklin, David S. Garland, Thomas Gholson, Peterson Goodwyn, William Helms, Benjamin Howard, Philip B. Key, Joseph Lewis, junior, Nathaniel Macon, Robert Marion, Archibald McBryde, Samuel McKee, Alexander McKim, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, Roger Nelson, Thomas Newton, Benjamin Pickman, jun., John Rea of Pennsylvania, John Rhea of Tennessee, Matthias Richards, John Roane, Ebenezer Sage, Thomas Sammons, Adam Seybert, Henry Southard, Lewis B. Sturges, Jacob Swoope, Benjamin Tallmadge, John Taylor, George M. Troup, Robert Whitehill, and Robert Witherspoon.

TORPEDO EXPERIMENT.

The House resolved itself into a Committee of the Whole on the bill appropriating a sum for making an experiment on the practical utility of the Torpedo or submarine explosion.

Mr. LYON expressed a hope that the bill would pass. He wished that a trial might be made of this invention that promised so much. He hoped the House would not be influenced against it by laughter; they had got over the worst of it now the bill had been received from the Senate, and he hoped after going so far that they would go through with it.

Mr. LIVERMORE said that as the non-intercourse law was yet in existence, and as gentlemen declared they would not repeal it without a substitute, as that substitute had not been proposed in this House, this bill from the Senate perhaps was the substitute. If so, he should be very ready to give \$5,000 for so desirable an object; and although he had heretofore opposed the bill, he felt disposed under this belief to withdraw his opposition.

Mr. QUINCY said that if it was intended to make an experiment, he wished it might be made in such a way as to give satisfaction. No one doubted that a vessel could be blown up with gunpowder; but in all experiments made, and to be made made, the vessel which was the subject of the experiment was placed under the control of the inventor, and just where he wished it. The vessel employed for the purpose might not be seaworthy, and if so, the blowing her up would be no proof that the same force applied to a ship-of-the-line would have the same effect, any more

than one could prove that he could blow up a ship-of-the-line by blowing up an egg-shell. Mr. Q. said his wish was, if Congress were to go to the expense proposed, that they should do it like men who understood the object proposed, and were desirous of a satisfactory experiment. He, therefore, moved to amend the bill by adding a section to this effect:

"And be it further enacted, That it shall be the duty of the Secretary of the Navy to cause all such obstacles to the success of the proposed experiment to be interposed as men experienced in naval affairs may suggest, and as enemies engaged in actual hostility would be likely to invent, so far as the same is practicable, without endangering the life of any citizen: Provided, always, That, in the selection or preparation of such vessel, or in its position and management, in the course of such experiment, or over the mode, or the particulars of the resistance to the success of the experiment above-mentioned, the Torpedo inventor, and those acting under his direction or authority, shall not have any control or authority whatsoever, but, in all respects, the said Torpedo inventor shall be prohibited from every other communication with such vessel, or interference with her management, except such as, in actual hostility, might be attainable."

This amendment was opposed by Messrs. McKIM, LYON, and HOLLAND, on the ground that the obstacles to the experiment would be interposed without giving the inventor an opportunity of repelling them; that if such extensive means were made use of to interpose obstacles, the same would be requisite to repel them, and a greater expense would be involved than this appropriation would cover.

Mr. QUINCY replied that no force need be applied or expense incurred but that of booms or ropes thrown over the side to keep the torpedoes from the vessel.

Mr. QUINCY's amendment was negatived 51 to 39.

Mr. LYON moved the following amendment, which was agreed to: "Provided that the Secretary of the Navy be, and he is hereby, directed to report to Congress the result of the experiment, with his opinion thereon."

Mr. HALE moved an amendment to this effect: "Provided, that the Secretary of the Navy be directed to receive a sufficient crew on board to defend said vessel from the effects of the torpedo experiment, if a sufficient number of men will volunteer for that purpose."

Mr. SMILIE declared if the gentleman himself would take the command of the vessel and raise the volunteers, that he would not object to the amendment.

Mr. HALE's amendment was lost, yeas 30.

The Committee rose and reported the bill.

Mr. QUINCY renewed the amendment he had proposed in Committee. He said he wished to put it on record that he had done all he could to prevent the public money from being expended on frivolous and unsatisfactory experiments, merely to afford amusement to those who were to witness it.

Mr. GHOLSON said he had no objection to the

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amendment, for he thought it included no more than the Secretary of the Navy would do of his own accord, if the bill passed as it now stood.

Mr. LYON made some observations against the amendment. He said, if it was agreed to, he should be for voting a larger sum, and for voting annually a sum, to be deducted from the expenses of the Navy, till the utility or inutility of the invention was ascertained.

Mr. QUINCY's motion was negatived—yeas 45, nays 58, as follows:

YEAS—Burwell Bassett, William W. Bibb, Daniel Blaisdell, James Breckenridge, William Chamberlin, Epaphroditus Champion, Martin Chittenden, Howell Cobb, Samuel W. Dana, John Davenport, jr., William Ely, James Emott, Thomas Gholson, Charles Goldsborough, William Hale, Nathaniel A. Haven, Daniel Heister, Benjamin Howard, Jonathan H. Hubbard, Jacob Hufty, Richard Jackson, jun., Robert Jenkins, Walter Jones, Herman Knickerbacker, Vincent Matthews, Archibald McBryde, Samuel McKee, William Milnor, Benjamin Pickman, jun., Timothy Pitkin, jr., Josiah Quincy, John Randolph, Thomas Sammons, Adam Seybert, Daniel Sheffield, Samuel Smith, Jacob Swoope, Benjamin Tallmadge, Jabez Upham, Nicholas Van Dyke, Archibald Van Horn, Killian K. Van Rensselaer, Laban Wheaton, Ezekiel Whitman, and James Wilson.

NAYS—Willis Alston, jun., William Anderson, Ezekiel Bacon, David Bard, Adam Boyd, William Butler, Joseph Calhoun, Matthew Clay, John Clopton, James Cochran, Orchard Cook, James Cox, William Crawford, Richard Cutts, John Dawson, Joseph Desha, John W. Eppes, Wm. Findley, Meshack Franklin, Gideon Gardner, David S. Garland, Peterson Goodwyn, James Holland, Richard M. Johnson, Wm. Kennedy, Matthew Lyon, Aaron Lyle, Nathaniel Macon, Alexander McKim, John Montgomery, Nicholas R. Moore, Thos. Moore, Jeremiah Morrow, Roger Nelson, Thomas Newbold, Thomas Newton, John Nicholson, John Porter, Elisha R. Potter, John Rea of Pennsylvania, John Rhea of Tennessee, Matthias Richards, John Roane, Erastus Root, Ebenezer Sage, Lemuel Sawyer, Samuel Shaw, John Smilie, George Smith, Henry Southard, Richard Stanford, John Taylor, John Thompson, Charles Turner, junior, Robert Weakley, Richard Winn, and Robert Witherspoon.

The bill was then passed to a third reading, yeas 63, and was ordered to be read a third time to-day.

The bill was then read a third time.

Mr. DANA commenced a speech against the bill—

Before he concluded, a motion was made to adjourn, and carried.

MONDAY, March 26.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act to alter and amend the act, entitled 'An act fixing the Military Peace Establishment of the United States;'" to which they desire the concurrence of this House.

The House resolved itself into a Committee of the Whole, on the bill for the relief of Tristram Hussey. The bill was reported with an amendment; which was read, and concurred in by the

House. And the bill was ordered to be engrossed, and read the third time to-morrow.

The House resolved itself into a Committee of the Whole, on the bill for the relief of the infirm, disabled, and superannuated officers and soldiers of the late and of the present Army of the United States; and, after some time spent therein, the bill was reported with amendments, which were read, and concurred in by the House. And the bill was ordered to be engrossed, and read the third time on Wednesday next.

On motion of Mr. MUMFORD,

Resolved, That the President of the United States be requested to cause to be laid before this House such information as he may have received touching the impressment of American seamen, which has been communicated to the Department of State since the last report made to the Senate in virtue of a resolution of that body bearing date the 30th of November 1807.

MESSRS. MUMFORD and SEAVER were appointed a committee to present the said resolution to the President of the United States.

The House proceeded to consider the amendments of the Senate to the bill, entitled "An act to make public a road in Washington county, in the District of Columbia;" and the same being read, were concurred in by the House.

The bill sent from the Senate, entitled "An act to alter and amend the act, entitled 'An act fixing the Military Peace Establishment of the United States,'" was read twice, and committed to a Committee of the Whole on Monday next.

MR. PINKNEY'S LETTER.

A motion was made by Mr. LIVERMORE, that the House do come to the following resolution:

Resolved, That the President of the United States be requested to cause to be laid before this House a copy of any letters, or despatches, which may have been received in the Department of State, and do not require secrecy, from Mr. Pinkney, our Minister at the Court of London, since his receipt of the letter of the 23d of November, 1809, from the Secretary of State, communicated to this House by the President, on the 29th of said month.

Mr. SMILIE said he saw what was intended by the mover of the resolution. It was wished that the House would deny the call. It had already been denied in Massachusetts.

Mr. COOK wished the resolution to pass. He said it would be inferred from a refusal to pass it, that there had been no such letter, or that it was not of the purport which it was said to be. It might be an unofficial without being a confidential letter. Whether it was confidential or not, some answer would be received.

Mr. LIVERMORE said that he had been told by gentlemen in conversation that information had been received by the Secretary of State that the doings of the British Minister here were disapproved by his Government, and that a new Minister would be sent out. If this was the fact, it was very important that the House should know it. The gentleman from Pennsylvania seemed to suppose that the mover wished the resolution

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not to be adopted. How in the name of common sense or candor, Mr. L. asked, could it be supposed that the resolution was introduced for the purpose of being rejected? He said it gave him happiness that he should make any motion for the good of his country, which should be advocated by a gentleman who was so influential, from the powers of his eloquence, from his standing in society, and other considerations, as his colleague (Mr. Cook.) Mr. L. said he had some time ago expressed the satisfaction he felt in anticipating that he should be in the majority before the end of the present session; and he should be glad to find himself in that predicament in relation to this resolution.

Mr. VAN DYKE said he had heard it said that a letter had been received by the Secretary of State going to this object; that, notwithstanding the dismissal of Mr. Jackson, the British Government retained an amicable disposition, that Mr. Jackson's conduct was disapproved, that he would be recalled, and that another Minister would be sent. A motion had been submitted to reduce the Army and Navy—was it not proper, previous to a decision on this motion, to know what was the situation of affairs? And if such a letter was in existence, ought not the Representatives of the people to have it for their information?

Mr. McKIM said he had not seen the letter, but he had understood the purport of it, he believed, correctly, and satisfactorily to himself. Others might not have had the same satisfactory account, and he had no objection that it should go to the public. It could not be got except called for, being an unofficial letter, because it would be indecorous in the President to submit it to the House without a call.

Mr. DANA was not disposed to call upon the President to violate private confidence. He did not imagine, where the President, or Secretary of State, in their private capacity, received letters as private gentlemen, that the House could call for them. But if information from a public Minister as to the manner in which he had done his public duty had been received in a letter at the Department of State, it was an abuse of terms to call it a private letter. And if such a letter had been received, he was decidedly for calling for it.

Mr. BASSETT said he had at first view been opposed to the resolution, conceiving it to propose going a step further than they had ever gone before. But on reflection he conceived that the letter in question stood much in the same relation as other papers that had been heretofore called for by the House, and he should therefore vote for the resolution.

Mr. BURWELL said he had not seen the letter or any extract from it; but, as far as he understood its character, it was a letter intended more to give the Government of the United States an idea of the temper and disposition of some officers of the British Government than to make any statement of facts. It stated a conversation with a leading member of the British Ministry, in which he had expressed himself disposed to continue friendly

intercourse with this country, and stated that nothing which had occurred would alter the existing relations. However important this information, it formed no ground on which the House could act; and he was therefore opposed to calling for it, more especially when the next arrival from England would probably bring some official act of the British Government which would decidedly indicate its disposition.

Mr. LYON said that this private letter, which had been made so public, reminded him of a sign he had seen of "private entertainment;" so private, that it was advertised by a sign. He was for the resolution.

Mr. MUMFORD hoped the House would call for this information and all other interesting to the people. As they were to fight all and pay all, he wished them to know all. He proposed to add to the resolution an amendment calling for an account of the impressment of American seamen, of whom he had understood six hundred were now annually impressed. Mr. M. however waived this proposition for the present.

Mr. COOK said he felt more inclined now than at first to call for this letter for several reasons, one of which was, his great reliance on the understanding and great powers of mind of his colleague over the way (Mr. LIVERMORE) who had thought proper to offer the motion. The gentlemen was so successful, and generally interested the House so much, his conduct was generally characterized by so much propriety, that he hoped his motion would be adopted.

Mr. GOLDSBOROUGH protested against the practice of attributing improper motives to those who made propositions of this kind; for a sufficient motive to induce the House to pass the resolution would be found in the evident propriety of having before them all accessible information on the subject of our foreign relations.

After some further conversation,

Mr. LYON moved to amend the resolution by adding, after the word "State," the words "or Secretary thereof."—Negatived, yeas 30.

The resolution was passed—yeas 109, nays 14, as follows:

YEAS—Lemuel J. Alston, William Anderson, Ezekiel Bacon, Burwell Bassett, William W. Bibb, Daniel Blaisdell, Jas. Breckenridge, John Brown, Robt. Brown, Wm. Butler, Jos. Calhoun, Wm. Chamberlin, Epaphroditus Champion, Martin Chittenden, Matthew Clay, John Clopton, Howell Cobb, James Cochran, Orchard Cook, James Cox, William Crawford, Richard Cutts, Samuel W. Dana, John Davenport, Jr., Joseph Desha, William Ely, James Emott, William Findley, Jonathan Fisk, Meshack Franklin, Barzillai Gannett, Gideon Gardner, David S. Garland, Thomas Gholson, Charles Goldsborough, Peterson Goodwyn, Thomas R. Gold, Edwin Gray, William Hale, Nathaniel A. Haven, Daniel Heister, William Helms, Benjamin Howard, Jonathan H. Hubbard, Jacob Hufty, Richard Jackson, jun., Robert Jenkins, William Kennedy, Joseph Lewis, junior, Edward St. Loe Livermore, Robert Le Roy Livingston, Aaron Lyle, Nathaniel Macon, Robert Marion, Vincent Matthews, Archibald McBryde, Alexander McKim, William Milnor, John Montgomery, Thomas Moore, Jonathan O. Moseley, Gurdon S.

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Mumford, Thos. Newton, John Nicholson, Joseph Pearson, Benjamin Pickman, jr., Timothy Pitkin, jr., Peter B. Porter, Elisha R. Potter, Josiah Quincy, John Randolph, John Rea of Pennsylvania, John Rhea of Tennessee, Matthias Richards, John Roane, Erastus Root, Ebenezer Sage, Thomas Sammons, Lemuel Sawyer, Ebenezer Seavor, Adam Seybert, Samuel Shaw, Daniel Sheffey, Dennis Smelt, John Smilie, George Smith, John Smith, Samuel Smith, Henry Southard, Richard Stanford, John Stanley, James Stephenson, Lewis B. Sturges, Jacob Swoope, Samuel Taggart, John Taylor, John Thompson, George M. Troup, Charles Turner, junior, Jabez Upham, Nicholas Van Dyke, Archibald Van Horn, Killian K. Van Rensselaer, Robert Weakley, Laban Wheaton, Ezekiel Whitman, James Wilson, Richard Winn, and Robert Witherspoon.

NAYS—Willis Alston, junior, Adam Boyd, William A. Burwell, John Dawson, James Holland, Richard M. Johnson, Walter Jones, Samuel McKee, Pleasant M. Miller, Nicholas R. Moore, Jeremiah Morrow, Roger Nelson, John Porter, and Robert Whitehill.

Mr. LIVERMORE and Mr. ROOT were appointed a committee to wait on the President with the resolution.

TORPEDO EXPERIMENT.

The bill making an appropriation for the purpose of making an experiment on the practical use of the torpedo, or submarine explosion, was taken up.

Mr. DANA said that the question now before the House did not relate to any degree of reputation which any individual might claim for any invention, nor to any interest he might have in any discovery he had made. The question was, whether this proposition now appeared before the House under such circumstances that they should step out of the ordinary course of encouragement, given by law to inventors, to provide the means of making an experiment at the public expense. This, Mr. D. said, was the simple inquiry to be made; and, however eminent or distinguished in the walks of science, or however irradiated by the splendor of genius, it belonged to no individual to demand of the Legislature that they should adopt any system previous to its utility being ascertained. No individual could arrogate it to himself; and, when any individual pressed himself upon the Legislature, it was a question whether this experiment was worthy to be made; whether the invention promised any possible good worthy of this experiment.

Mr. D. said he had no wish to detain the House, but he had really doubted, for himself, whether, with the views he entertained on this subject, it was compatible with the respect due to the House to withhold some of the sentiments which occurred to him in opposition to this bill. In every instance in which a sum of money had heretofore been appropriated to encourage inventions, it had been for some object admitted to be of value, for something intended to be of use, and which, prior to making the appropriation in relation to it, had been, in a degree, examined. This, however, was a thing, which, on the face of it, appropriated a sum of money for the purpose of making experiments to ascertain the use of the

invention. It was therefore, perhaps, the first appropriation of the kind ever proposed.

Mr. D. said he did not perceive that any experiment could be made, in time of peace, to ascertain this thing, so as to decide the question of the practical use of the torpedo; for, with respect to every question stated in the publication laid on the table, with respect to any principle which the inventor proposed to establish by any specific experiment, with respect to any question which related to natural agents or their physical effect, he thought it proper to admit the whole.

In the first place, Mr. D. said that he admitted that the explosive force of gunpowder, placed at the keel, might destroy any ship. Another thing he would admit, that a person might deposit powder in a metallic case, which should remain under water; that the case might be made water-tight, and that the clock-work contained in it might be put in motion. He would admit, also, that this machine might be balanced so that its gravity should be nearly equal to that of the water; that the action of the current or tide might bear such a magazine, so specifically apportioned, beneath the bottom of the vessel.

But, when all these things were admitted, Mr. DANA said that he did not perceive that any one point was gained as respected the object of the experiment, for it must be considered that all this experiment could only go to decide the action of natural physical powers, where the efforts of genius were not combined.

As respects the whole of the thing itself, as far as I understand it, I perceive nothing new in it. I do not conceive that, on this subject, there is anything very novel in point of principle. There may be something in the modification of it; but, as respects the main principle, there is nothing new. The idea was started during the war of the American Revolution, and various experiments were made on it. The Commander-in-Chief of the Army of the United States, at that time, was not, as I have understood, impressed himself with much confidence in the experiment. But a gentleman of his family, and an officer of his Army, who had more confidence in it, made the experiment; and, ultimately, the experiment was pretty much given up.

As he did not speak at random, Mr. D. asked leave to call the attention of the House to the principles of the invention of David Bushnell, of Connecticut. [Mr. D. here read, from the *Philosophical Transactions*, an account of a machine invented by Mr. Bushnell, in many respects similar to that invented by Mr. Fulton.]

The principal difference between these two inventions, Mr. D. said, appeared to be in the mode of conveying the machine to the keel of the ship. The plan of Mr. Fulton was, instead of conveying it by means of a diving-boat, to convey it by the action of the current to the place where it was to operate. To do this he proposed two modes. As respected the first, the action of the current on the torpedo placed obliquely, Mr. D. said he had no doubt. It was the principle on

which the helmsman steers his ship, and the seaman manages his sails; the principle on which boats are made to pass ferries by the oblique action of the current. As respected the second mode, the use of the harpoon-gun, there was no novelty in that certainly. It had been used in Europe in the whale fishery, where they were not trained in this species of fishing so as to produce dexterity in throwing the harpoon. Premiums had been given, and attempts made to discharge a harpoon with a ring and rope attached to it, at the distance of ten fathoms, which was a greater distance than the most experienced and skillful could strike with effect.

The question which Mr. D. said he proposed, was, whether obstacles could not be interposed by naval men. As respected firing the harpoon-gun, he should suppose it a want of skill or attention in the experiment if it failed to take effect. That a harpoon might be fired into a vessel, that the torpedo would go under her, and that a vessel which could be bought for \$5,000, might be blown up in this way, he had no doubt; but when all this is done, what does it ascertain? As respects making a torpedo, any person who is in the neighborhood of a good gun and locksmith, and has good powder, can construct one. Mr. D. said he did not see the necessity of spending this sum of money rather for amusement than for anything else. He did not see the necessity of it, because he did not perceive any one thing to be learnt from an experiment. He was, therefore against the bill.

Mr. LYON said that the gentleman from Connecticut had shown his own conviction of the utility of torpedoes, and it would be worth while to give five thousand dollars to establish the same conviction in others. If I had the twentieth part of the certainty on the subject which that gentleman has, said Mr. L., I should not vote for the experiment. I have no desire, in voting for anything of this kind, to give up any other kind of defence. I know it is all important in us to defend our ports and harbors. If it was not for our extensive seacoast, I should not be so extremely averse to going to war. I would leave no means untried to protect this seacoast. However little the hope might be, if there was the least thing to hang hope on, I would give \$5,000 for the experiment. I have voted for the highest sum ever called for for the defence of New York; but still, when I look to the steeples of the fine churches, and to the banks, &c., of that city, exposed as it is and must be, I am struck with horror. Notwithstanding all the exertions which have ever been made for them, they must still be insecure. If \$5,000 would carry conviction as far on the rest of the House as with the gentleman from Connecticut, the money would be well laid out to enable us to go on with a further experiment of this plan.

The gentleman from Connecticut read a long history of the torpedo experiment made many years ago. I believe, sir, Mr. Fulton has but little merit in originating the thing. Let gentlemen recollect what an alarm this thing made,

and how uneasy the British were during the Revolutionary war, till they thought they had got rid of these machines. I cannot forget the alarm which they excited, and will take the liberty to quote Hopkinson on the subject, who was a witness to the transaction:

"'Twas early day, as poets say,
Just when the sun was rising,
A soldier stood on log of wood,
And saw a sight surprising.

"As in amaze he stood to gaze,
'The truth can't be denied, sir,
He spied a score of kegs or more,
Come floating down the tide, sir.

"A sailor, too, in jerkin blue,
'The strange appearance viewing,
First damn'd his eyes, in great surprise,
Then said—'some mischief's brewing.'

"These kegs now hold the rebels bold,
Pack'd up like pickled herring,
And they're come down, t'attack the town
In this new way of ferry'ng.

"The soldier flew; the sailor too,
And, scar'd almost to death, sir,
Wore out their shoes to spread the news,
And ran till out of breath, sir.

"Now up and down, throughout the town,
Most frantic scenes were acted;
And some ran here, and some ran there,
Like men almost distracted.

"Some fire cried, which some denied,
But said the earth had quaked;
And girls and boys, with hideous noise,
Ran through the town half naked." &c. &c.

If a parcel of kegs, in those days, alarmed them so much, what will Fulton's torpedoes do now?

Mr. McKIM said, that what had fallen from the gentleman from Connecticut had operated powerfully on his mind to satisfy him of the propriety of the appropriation. He says, observed Mr. McK., that he has no doubt they will produce the desired effect. Now, sir, when I am informed, from so respectable a source, of their effect when properly placed under the ship, I am induced to vote for this appropriation. If one of these machines in an hundred should take effect, the object would be perfectly gained. If we could only blow up one or two in a squadron, we should not hereafter be disturbed by British squadrons in our waters. I have listened with great pleasure to the lecture of the gentleman on pneumatics, hydraulics, &c., for I know not where I could have derived so much information as from that gentleman, and I take the opportunity of returning my thanks to him.

Mr. FISK said he was against the bill, but from different reasons than other gentlemen were. I do believe, said he, that in some cases, the anchored torpedoes may be effectual; but I do not believe that anything to result from this bill will be of service to the country. I do not entertain any doubt that a vessel may be blown up. The explosion will take place, the wreck will be left in the bed of the river, and it may cost \$5,000 to

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raise it, or it may remain as an obstacle to the invasion of the capital. If Congress are at this time seriously to resort to the torpedo system of defence, let us do it in a more serious manner; let us make a respectable provision to purchase torpedo munition, and create a torpedo corps under certain regulations. We have got military and naval armaments; let us make a torpedo armament. At the same time, it was but justice to the inventor to say, that he considered the anchored torpedo as a very useful invention. Mr. F. moved to recommit the bill, to inquire into the propriety of appropriating such a sum of money as the Secretary of the Navy should deem adequate to the object, for the sum proposed certainly was not.

Mr. QUINCY said he agreed with the gentleman from New York in his opposition to the bill, because, if a fair experiment was intended, the appropriation was totally insufficient. This morning, in a conversation with the Secretary of the Navy, I understood that this sum will not enable a vessel to be placed in that situation which will give a fair experiment. If we pass this bill, it will be utterly useless to the purpose proposed. If the object be to have gentlemen who never saw such a thing gratified with an explosion, that object will be attained, but no other. Let us have an estimate from the Secretary of the Navy of the probable expense, or the whole sum appropriated may be lost, and the law will prove utterly disgraceful to those who passed it.

Mr. HOLLAND said he had understood, from the torpedo inventor himself, that \$5,000 would be amply sufficient.

Mr. DANA said he had no belief that any vessel could be purchased for five thousand dollars, on which a sufficient experiment could be made. He conceived that the experiment could only be made in hostile operations. We are told that these torpedoes would destroy the navy in the British Channel. Do we doubt the inveteracy of the French hatred of the British navy, when it has existed so many years? If this invention would command the British Channel—and millions are but dust in the balance for this object—to enable Bonaparte to strike at the British soil, why has not the invention been patronized by France? It has been rejected by France, and rejected by England after an expense of hundreds of thousands of dollars—and now are we to take it up? It is as a stationary resistance to be made to a naval force where there are fortresses also, that the torpedo may be made use of, if they can be used at all; where chains, or chevaux-de-frises, are made use of, it may be used as auxiliary to other aids in terrifying the enemy. As to setting these machines afloat, firing harpoons into vessels, calculating the chance of boats getting away when a single shot may send them to the bottom, I have no opinion of it at all.

Mr. LYON said he should not vote for recommitment, not that he had not rather that ten thousand dollars were appropriated than five thousand; but the House had the Senate's opinion on that point before them. He agreed with gentle-

men entirely, that there never could be a complete experiment until time of war. But that was no reason why we should not, before war came, be in a fair state to try the experiment in war.

Mr. FISK said he had not seen the experiment which had been made at New York, but he had conversed with hundreds who had. He had no doubt but the invention might be useful, but how was its utility to be ascertained, unless in the vessel to be attacked there was a crew prepared to resist the approach of the boats, or prevent the operation of the torpedo? The nation would be no more convinced of their utility after an expenditure of five thousand dollars than they now are. It is because I have confidence in the effect of anchored torpedoes, that I am for recommitting the bill. By passing the bill as it is, we shall demonstrate nothing but the expenditure of money. I am for making an actual experiment on an enemy's vessel. To attack a well-manned frigate, is a very different thing from attacking an old hulk, perfectly at the disposal of the projectors. If we were to pass a bill constructing a torpedo corps, and offering a bounty on every ship blown up, it would be much better calculated to make an impression of our seriousness than this bill.

Mr. TALLMADGE said that, having been absent from the House at the time this bill was first introduced, he knew not what arguments had been offered in favor of it. He said he was always already to encourage inventions, &c., but when a measure was presented which had no novelty in it, he could not be satisfied to give a silent vote on the bill for encouraging it.

My honorable colleague stated fairly the principles on which the submarine boat was constructed; and I believe, said Mr. T., that there is no gentleman in this House who doubts the power of gunpowder, placed under the bottom of a vessel, to destroy it. I have seen it tried during the war in a great variety of ways. I became perfectly satisfied that the principle was just; the only difficulty was to place the magazine in such a situation that it should have the greatest possible effect.

I well recollect, that in 1777, when Bushnell was called on to make an experiment on a British brig of 32 guns, lying in North river, a detachment of troops was directed to proceed down the river to enable him to make the experiment free from interruption. I had the honor to command the detachment, and continued there one month. The object of the troops under my immediate command was to keep off all hostile persons, whether of the enemy or persons unfriendly to the invention, that he might have every opportunity to make his experiment with success. His object was at ebb tide to get into the river a boat constructed for the purpose, and pass down the river, and, if possible, fix his magazine of powder to the bottom of the enemy's vessel. He tried it over and over again. Sometimes he would entirely miss the vessel; sometimes he would come so near that he would get intimidated and retire again; till, sir, I became so heartily sick of the business, and of that sort of duty,

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that I wished the boat and man were both at the bottom of the ocean. I state this to show the difficulty, danger, and what I myself conceive to be the impossibility of placing the magazine under the vessel. So much for this; and I take Mr. Fulton's machine to be bottomed precisely on the same principle, the difference only being in the mode of application.

I have no idea of laughing the subject out of the House; but how can gentlemen see the least probability of success in the invention? Suppose a frigate at anchor, and a few boats endeavoring to harpoon this vessel. Do gentlemen suppose that boats can approach without the most imminent danger? And, granting that the harpoon strikes, where is all the nautical skill of the men when they see this, if they do not prevent it from taking effect. Suppose a perfectly sure shot, and that the harpoon should be fastened in the bow, is it possible that the rope to which the torpedo is attached would not be cut, and the torpedo left to float below perfectly harmless? Do gentlemen consider harpooning a vessel to be like harpooning a whale, which has no men on board of it to take out the harpoon? I cannot bring myself to believe it possible that a crew on board a ship could see all around her, and yet permit a torpedo to be attached to her and place her in such a condition as to be liable to be totally destroyed with every person on board.

It does seem to me that this sort of philosophical experiment ought not to be gone into by this House. If it be necessary to employ anything of this kind, it would be vastly preferable that we should not go through all this solemn farce of passing a law for the purpose of exhibiting a sort of playful experiment, and there is probably a day of our time to be devoted to it, when in truth no solid advantages can accrue from it. I am unwilling on another ground, because the thing itself would expose the Government to a sort of ridicule. If we pass this bill, and the experiment be made; if a brig be bought for this money and totally destroyed, there will be still as much proof wanting to demonstrate that this is an experiment on which we can rely, as there was before. I am against it on another ground; that, if we trust to this kind of doubtful defence, we shall get into the habit of giving up the more substantial defence of the country. This is my solid reason for voting against this bill. No one ever yet found any way of getting along in solid defence but by solid preparation. I should rather come into honorable combat than fight with this underhand explosion, when especially there is so much doubt in it. If an experiment could be made, however, without all this solemn farce, I do not know that I should have any objection to it.

The motion for recommitment was lost—50 to 45.

The question on the passage of the bill was then taken by yeas and nays, and decided in the affirmative—yeas 65, nays 53, as follows:

YEAS—Lemuel J. Alston, Willis Alston, jr., William Anderson, Ezekiel Bacon, David Bard, Burwell Bas-

sett, William W. Bibb, Adam Boyd, John Brown, Robt. Brown, Jos. Calhoun, Matthew Clay, John Clapton, Howell Cobb, Jas. Cochran, Orchard Cook, Jas. Cox, William Crawford, Richard Cutts, John Dawson, William Findley, Meshack Franklin, Gideon Gardner, David S. Garland, Thomas Gholson, Peterson Goodwyn, James Holland, Richard M. Johnson, Walter Jones, William Kennedy, Matthew Lyon, Aaron Lyle, Nathaniel Macon, Robert Marion, Samuel McKee, Alexander McKim, Pleasant M. Miller, John Montgomery, Nicholas R. Moore, Thomas Moore, Roger Nelson, Thomas Newbold, Thomas Newton, John Nicholson, John Porter, John Rea of Pennsylvania, John Rhea of Tennessee, Matthias Richards, John Roane, Ebenezer Sage, Lemuel Sawyer, Ebenezer Seaver, Adam Seybert, Samuel Shaw, Dennis Smelt, John Smilie, George Smith, John Smith, Henry Southard, Richard Stanford, John Taylor, John Thompson, George M. Troup, Charles Turner, jr., and Robert Witherspoon.

NAYS—Daniel Blaisdell, James Breckenridge, William A. Burwell, William Butler, Wm. Chamberlin, Epaphroditus Champion, Martin Chittenden, Samuel W. Dana, John Davenport, jun., Joseph Dosha, William Ely, James Emott, Jonathan Fisk, Charles Goldsborough, Thomas R. Gold, Edwin Gray, William Hale, Nathaniel A. Haven, Daniel Heister, Benjamin Howard, Jonathan H. Hubbard, Richard Jackson, junior, Robert Jenkins, Joseph Lewis jun., Robert Le Roy Livingston, Vincent Matthews, Archibald McBryde, William Milnor, Jeremiah Morrow, Jonathan O. Mosley, Gurdon S. Mumford, Joseph Pearson, Benjamin Pickman, jr., Timothy Pitkin, jr., Elisha R. Potter, Josiah Quincy, John Randolph, Daniel Sheffield, Samuel Smith, John Stanley, James Stephenson, Lewis B. Sturges, Jacob Swoope, Samuel Taggart, Benjamin Tallmadge, Uri Tracy, Jabez Upham, Nicholas Van Dyke, Archibald Van Horn, Killian K. Van Rensselaer, Laban Wheaton, Ezekiel Whitman, and James Wilson.

TUESDAY, March 27.

Mr. MORROW, from the Committee on Public Lands, made a report on the petition of Edwin Lewis; which was read, and the resolution therein contained concurred in by the House, as follows:

Resolved, That the petitioner shall have a preference in becoming the purchaser of five acres of land situate in the centre of his farm, whenever the said land shall be offered for sale.

Ordered, That a bill be brought in, pursuant to the said resolution; and that the Committee on the Public Lands do prepare and bring in the same.

Mr. MORROW, from the same committee, also made a report on the petition of Samuel Mims, referred on the fifteenth of January last; which was read, and the resolution therein contained, concurred in by the House, as follows:

Resolved, That Samuel Mims be confirmed in his title to the quantity of five hundred and twenty-four acres of land, purchased by him of the legal representative of William Clark, deceased, so as not to deprive the heirs of said Clark of any legal remedy which they may have for the recovery of said land from the said Samuel Mims, his heirs or assigns.

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Ordered, That a bill be brought in, pursuant to the said resolution; and that the Committee on the Public Lands do prepare and bring in the same.

Mr. MORROW, from the same committee, presented a bill providing for the final adjustment of claims to lands in the Territories of Orleans and Louisiana, and for the sale of public lands in the Territory of Orleans; which was read twice, and committed to a Committee of the Whole, on Monday next.

Mr. NELSON presented a petition of sundry officers in the late Revolutionary army, residing in the counties of Jefferson and Berkeley, in the State of Virginia, praying to be allowed half pay during life.—Referred to a Committee of the whole House, to whom is committed the report of a select committee, made during the present session, on sundry memorials of other surviving officers of the Revolutionary army.

Mr. QUINCY, from the committee appointed, on the twenty-first ultimo, to inquire into the state of the ancient records and archives of the United States, and what measures are necessary for a more safe and orderly preservation thereof, made a report thereon; which was read, and committed to a Committee of the whole House on Saturday next.

Mr. MILNOR, from the committee who were instructed to inquire into the expediency of increasing the rate of full pensions to officers and soldiers who were disabled by known wounds received in the Revolutionary war, made a report thereon; which was read, and the resolution therein contained concurred in by the House, as follows:

Resolved, That the committee be discharged from the further consideration of this subject.

An engrossed bill for the relief of Tristram Hussey was read the third time, and passed.

CLAIM OF COM. WHIPPLE.

Mr. TALLMADGE, from the committee appointed, on the petition of Abraham Whipple, made a report thereon; which was read, and the resolution therein contained concurred in by the House.

The report is as follows:

That, from the statement of the petitioner, it appears that he engaged in the service of his country at the commencement of the Revolutionary war with Great Britain; that, in the year 1775, he was employed by the government of his native State, Rhode Island, to clear the harbors and bay of Rhode Island of the enemy's tenders and armed vessels which infested those waters, which service he accomplished by capturing some, and driving off the residue. In the same year he was honored with the command of the ship *Columbus*, by the Congress of the United States, in which he continued to cruise against the enemy with great success, capturing many of their vessels, and assisting in the two expeditions against the islands of Bermuda and Providence, bringing from the last place a great supply of ordnance and military stores, which were very useful to the country at that time.

The petitioner states many pecuniary hardships and sufferings which he underwent during the contest, both in Europe and America, especially at the siege and

capture of Charleston, South Carolina, where he became a prisoner of war. Having now reached the seventy-seventh year of his age, and being decrepit from the common infirmities of life, and especially from wounds which he received in attempting to save the guns from a British frigate which was stranded on our coast, he prays that the evening of his life may be made comfortable, by having some pecuniary aid afforded him by the Government of his country.

The committee are fully impressed with a sense of the services of Commodore Whipple, during the late Revolutionary war; and, although it does not appear that he was wounded by the enemy while engaged in capturing the many prizes which he brought safely into port, yet it is in proof before your committee that, while he was attempting to save the guns and stores of the *Syren*, British frigate, then ashore on Point Judith, the petitioner fell from the side of the frigate, more than fifteen feet, down among the guns, &c., by which means he was severely wounded in several places, especially in his ankle and knee, of which wounds he was confined for a long time; and that he is a cripple to this day, in consequence of said wounds.

The committee therefore recommend the following resolution:

Resolved, That the prayer of Abraham Whipple is reasonable, and ought to be granted.

Extract from a communication made by Benjamin J. Gilman, Esq., dated,

MARIETTA, January 25, 1810.

Commodore Whipple informs me that he was never wounded by the enemy, while in the service of the United States; and that the only bodily hurt he received was on board a British frigate that was cast away near Newport, Rhode Island. He was ordered to dismantle the frigate, and, in taking out the guns, he had his knee-pan split, his leg much injured, and his ankle very badly dislocated. The effects of this hurt have occasioned his being several times confined since he resided in this country; and, at one time, he was unable to walk for two months. He is now absolutely dependent on the labor of his own hands, in the cornfield, for subsistence; and, if his lameness should occur in the planting season, he and his very worthy wife would suffer.

Being very far advanced in life, he probably will not live many years to receive the bounty of his country, if he should be placed on the pension list. I most sincerely hope the law of the United States will permit this brave veteran to have the evening of his life made comfortable, by a small reward for past labors.

NEW YORK DISTRICT, &c.

Haystead Hacker, of the city of New York, and branch pilot for Hurlgate and the Sound, being duly sworn, saith: That he was, during the American Revolution, well acquainted with Captain Abraham Whipple, then in the American service, now of Marietta; that, in or about the year 1777, the said Abraham, as well as the deponent, who was also in the American service, was ordered by Governor Cook to take and save the guns and stores out of the *Syren*, British frigate, then aground on Point Judith, bilged; that this deponent then commanded the *Columbus*; that the said Abraham and deponent caused proper arrangements to be made in order to carry the said orders into effect; that, while they were so engaged, the said Abraham fell from the side of the ship down among the guns; that the distance which he fell was, to the best of deponent's recollection, upwards of fifteen feet; that the said Abra-

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ham was very severely wounded in several places, inasmuch that he was confined to his bed and under the care of a surgeon, such as could be procured; that the service of the deponent's country called him from that place; and when the deponent left the said Abraham he was a cripple, and that by means of the service; that the said Abraham Whipple was a very active man in the American cause; that the deponent cannot now particularly relate the different wounds the said Abraham received in the said service, not having been called to state the same till a few days since; but the deponent well remembers that he was severely wounded in the ankle, and otherwise much injured.

HAYSTEAD HACKER.

Sworn before me, at the city of New York, this 10th day of February, 1810.

M. TALLMADGE, *Dist. Judge.*

Mr. TALLMADGE, from the same committee, presented a bill for the relief of Abraham Whipple, late a Captain in the Navy of the United States; which was read twice, and committed to a Committee of the Whole to-morrow.

COMMERCIAL INTERCOURSE.

The House resumed the consideration of the amendments of the Senate to the bill, entitled "An act respecting the commercial intercourse between the United States and Great Britain and France, and for other purposes."

A motion was made by Mr. MACON, that the House do adhere to their disagreement to the said amendments.

Mr. GHOLSON moved to postpone the further consideration of the bill until Monday next. Every gentleman who, last Monday, voted for postponement, must have done it under an expectation of receiving some intelligence from Europe, to guide the conduct of the House in relation to it; and no such information having been received, it would certainly be proper to postpone it yet a while longer.

Mr. MACON said he had been uniformly anxious to bring this bill to a decision. The subject was sufficiently important to hang in suspense the whole commercial enterprise of the nation. It was time that the nation should know what was to be done. Mr. M. said that he had received many letters pressing a decision on the subject. I have heretofore stated the effects of the non-intercourse law, in relation to which every man coincides in opinion. In addition to this, I have understood that one of the district judges has given a sort of extra official opinion that the non-intercourse law is not in force as to Great Britain. It is a fact, then, that, in one of the States, the citizens are released from the restraints which the law imposes on other States, where the judges might not be of the same opinion. This, sir, is a strong reason for deciding the question. If the House agrees with the Senate, the law will immediately be at an end. If not, it will give way to the proposition of other measures.

Mr. M. here remarked upon the various stages through which the bill had passed, and gave a detailed account of the proceedings of the committee of conference on the subject.

For what purpose, asked Mr. M., should the bill

be further postponed? To get, says the gentleman who makes the motion, official information from Great Britain or France. If this be a good objection for postponing, we may postpone every thing. When can we calculate what either of the great belligerents will do? No common man can say. It would require a Daniel to do it. In the mean time, all the honest part of the community is suffering while the other class is getting rich. Your sly sort of people, not governed by the laws, will become the best men at bank. It certainly will be recollected that the committee of conference were pressed for a report before they could possibly make it. I never wished to hurry through the bill, but that every gentleman who wished to speak should declare his sentiments on the subject. Contrary to modern practice, the question on the passage of this bill was taken in open daylight; so that, I presume, every man had an opportunity of delivering his sentiments. If the bill be postponed, the intelligence which may come, like that which has already been received, may afford no ground on which the House can act. Sir, all that can be asked of a man is to do what is right at the time. We act, if we pass this bill; and if, to-morrow, you should get information that would render the bill unnecessary, or point out a different measure, would this bill stand in the way, or show a want of system in the House, because they did at the time what they ought to have done? It seems to me not. Such is the temper of all classes of the nation, at this time, that every postponement of the subject, and every variation it has undergone, has an effect not only upon the merchant but upon all the export produce of the nation. Every man who labors sufficiently to make anything to sell, feels the vibration of this bill in the articles he has to sell. Delay is extremely injurious to them. I know it may be said that if we adhere, as I propose, the non-intercourse law will still be in force. But, sir, if we lose the bill, I am under the impression that the non-intercourse law will be repealed. But, if not, the destroying this bill would be quite as good as leaving things in the present state of uncertainty. Contradictory accounts of the probable course of Congress are spread among the people, producing uncertainty and fluctuation in the markets. I hope, therefore, that a postponement will not take place, and that the House will this day decide the fate of the bill.

Mr. GOLD thought the House had waited long enough for information; and he could not see any possible good to arise from preserving this state of things. Suppose that advices to be received were unfavorable, and brought hostile sentiments from foreign cabinets, would the non-intercourse be valuable for any earthly purpose of defence? Mr. G. deprecated the procrastinating policy proposed. One month the calculations of the merchants had been thought safe, on the proceedings of this House. Another month came, all these calculations were reversed, and new ones made on a new state of things in the other branch of the Legislature. Reasons were strong

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against postponement, and still stronger in favor of a concurrence with the Senate.

Mr. LYON said he could see no reason for postponement, and he felt considerable anxiety on the subject. What made him more anxious was the effect it would have on the western produce going down to New Orleans. The Western country, he said, was extremely interested in the passage of the bill. As the restrictions, he perceived, were to come off, he hoped it would be as early as possible.

Mr. MILNOR said that gentlemen must be convinced that every day's delay was important to the commercial interest; and, being so, that it was important to the agricultural also. Commerce was laboring under difficulty imposed by the non-intercourse. If any person could conceive that the non-intercourse was advantageous to the United States, or operative to the injury of the belligerents, he ought to persevere in it. But, said Mr. M., I believe the gentleman is not to be found on this floor, and I question whether he can in this nation, who will believe that it has been of the smallest advantage to the nation. A week ago, we were asked to continue it one week, in which time, it was said, we might probably receive such news as would enable us to repeal the non-intercourse, as gentlemen said, without a surrender of our honor. What news could we receive from Europe, which would operate one way or the other on the question of getting rid of the non-intercourse? Is a declaration from England and France necessary to enable us to get rid of a measure considered unnecessary and injurious? Is it possible that the honor of the nation depends on adhering to a measure destroying the life-blood of the nation? It appears extraordinary that such an idea should be entertained by any gentleman in the House. If there be no man in the House who will advocate the non-intercourse law, in the name of God, let us get rid of it as quickly as we can. Why amuse ourselves with the pretext of preserving the national honor? How is it possible that a measure, which, from its adoption to the present day, has operated against us and in favor of the belligerents, should preserve the honor of the nation? It is impossible. We should take measures to preserve the general welfare, and, when they have a contrary effect, they should be repealed. The repeal of the non-intercourse cannot possibly prevent the adoption of other measures, nor even hinder us from effectually re-enacting the same law. But, I presume, sir, if we once get rid of it, we shall be extremely careful how we saddle the nation with it again. I believe the good of the nation and every other consideration should operate against postponement. One judge having made up an opinion that the non-intercourse law does not exist as to Great Britain; if the other judges differ from him in opinion, then the State in which he resides is free from the law, while all the others are tied up by it. But the probability is that all the judges will be of the same opinion; in which case the law is a perfectly dead letter. In every view, it is all important that the question should

be immediately decided. If, indeed, the non-intercourse is to live out the remainder of the session, we ought to say so to the people. This is the season when commerce expands her wings to all quarters of the globe, if left free to her own course. It is a fact, that vessels are daily clearing out for the ports, voyages to which, it might be supposed, were the most hazardous, notwithstanding the decrees and orders. Now, if they could carry on commerce there with perfect safety, why should they be restrained from so doing? It is well known that large quantities of our produce are carried to Amelia island and there reshipped in British bottoms. It never can be advantageous that our produce should be carried in a circuitous route to market. If carried directly, it will always bring a higher price to the agriculturist and to the farmer. Under all circumstances, I hope the bill will not be further postponed, but that the merchants as well as farmers may know what they have to depend on.

Mr. QUINCY said that the arguments which had been urged against postponement were so conclusive that he would not have risen but to call attention to the last paragraph of a report to the House by the Secretary of the Treasury, made three months ago, forcibly stating to the House the immediate necessity of repealing or enforcing the non-intercourse law. Under this official notice, this solemn warning, the House had been sitting near four months without doing anything, and now it was proposed to lock up the whole subject for one week longer. Are we, said he, to wait to know what is the determination of foreign Powers, in order to know what we shall do in relation to our own measures? It is not now a question whether or not the non-intercourse bears on foreign Powers, for that question is now decided. Honest men, bound by the laws, are injured by this law, while others are benefited by it. The question ought to be decided, one way or the other, and the people no longer kept in suspense.

Mr. GHOLSON said that, he, for one, could not conceive that any good could result from acting on the bill now. The House must either concur in the amendments of the Senate, or adhere. If we adhere to our disagreement to the amendments, the bill will be lost, and we shall be precisely in *statu quo*; we shall be then precisely where we are now. If we agree to the amendments of the Senate, we shall be involved in irretrievable disgrace. To give up the non-intercourse without a substitute would be unconditional submission. But it is said that the non-intercourse is a very bad measure, and does not answer the object it had in view. Let gentlemen, then, offer a better to supply its place. The circumstance of its being a bad one, does not prove that the House should take no measure at all. Is it possible that a majority of this House, after the various votes that have been given, can now give up every opposition they have heretofore made to the decrees of the belligerents, and succumb to the disgrace of accepting the bill as amended? If gentlemen are prepared for this,

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they are prepared to vote against the postponement of the bill. The gentleman from North Carolina must feel convinced of his inconsistency when he is for adhering, and, at the same time, for precipitating a decision of the question. Before we agree to the amendments of the Senate, let us have a new measure. I will support the gentleman in any system which will comport with the honor and welfare of the nation; but I cannot agree to a course from which no good can result, and which would throw us into the most abject disgrace. What is left by the Senate worthy of your attention? I can see nothing worthy of consideration in it. The non-intercourse law is now operating on Great Britain, who, every day, feels its effects; and it operates still more strongly upon France. Let gentlemen look at the crisis just before the arrangement of April last, and the solicitude caused by the renewal of the non-intercourse. I do not pretend to say that it is the most efficient measure that can be adopted; but I never will admit that it has no effect whatever upon our adversaries. I regret that some of the consequences adverted to by the gentleman from North Carolina do attend the non-intercourse; but it is a measure severely felt by our adversaries.

The gentleman from Massachusetts (Mr. QUINCY) says that our course ought not to be affected by any intelligence from Europe. If I am not mistaken, the gentleman himself yesterday voted to call upon the President for official intelligence. For what did he vote for it? Was it not to affect his conduct here at all? I will not pay him so ill a compliment as to suppose that he would call upon the President for information which he was determined should have no influence on his conduct. Even a little scrawl, a scrap of paper, sent in haste, by a messenger, is called for, but when we express a desire to have official intelligence, we are told it cannot be necessary to influence our course here. I am willing to act for ourselves, but, at the same time, I desire to act understandingly; and I am, therefore, for postponing a decision.

Mr. TAYLOR said, if he could find anything in the state of things at present existing, and which was now proposed to be prolonged, which was at all advantageous or honorable to the nation, or at all in resistance to the edicts of the belligerents spoken of, he certainly should accord with gentlemen in their desire of procrastinating this business. The non-intercourse law, said Mr. T., is spoken of as a shield from danger, as a cloak to cover us from shame and dishonor; and when I have heard eloquent speeches on the subject, I have felt a sort of inspirited feeling; but, as soon as I examine the thing, to do which the gentleman from Virginia, last up, invited us, I find that all this mighty resistance, this honorable defence against the belligerents, "melts into air, thin air." You have offered a bounty to the dishonest part of the community, who disregard the laws. For four months, as was observed by the gentleman from Massachusetts, we have neglected to enforce the laws from infraction by such characters, and the system has really operated as a monopoly to

the British carrier. Is it disgraceful to remove from this situation? Is it honorable to continue in such a situation? Is it resisting the Orders in Council of Great Britain that we still continue to afford them a monopoly of the carriage of our bulky articles across the Atlantic, to receive in return through Amelia island the manufactures of Great Britain, to be smuggled into the United States to the advantage of the same class of the community who are departing from our ports without regarding the laws? I voted heretofore to insist—and why? Because I was sincerely disposed to change the monopoly, and instead of continuing it to the British, to give it to the American carrier. I was in hopes that, by insisting and having a conference with the Senate, we should obtain this favorable provision. We have lost it, but because I cannot obtain for the American carrier a monopoly of the carrying trade to and from this country, shall I therefore deprive him of it altogether, or shall I rather allow him to come in and compete with foreigners on equal terms? This is the true question. I was, for one, much pleased with the provisions of the bill as it went from this House; but I could not obtain them. It is my duty to obtain for the American carrier, for the agriculturist, and for all, the best terms I can possibly gain; and an immediate receding from our disagreement will be obtaining something, though not all, that I desired. If there be a sort of influence, which nobody can touch, going to paralyze the measures of the Administration, it is for those who destroyed the features of this bill, to account for it, and not for me and those who were in favor of the bill. I must obtain the best terms I can, and that is to be accomplished, in my opinion, by receding, and that speedily too. Not a fortnight ago, the feelings of the community were taxalized from one end of the Continent to the other; and a single vote in this or that House has had the effect of raising or depressing the price of the commodity, earned by the sweat of the brow; and, though it is not the intention, it would seem as if the two branches of the Legislature, like the speculators in Leadenhall market, were here puffing this way to-day, and that way to-morrow, to change the state of the market. It is both undignified and inexpedient again to be waiting for information from England, when we have, already, deferred hope and made the heart sick from one end of the Continent to the other, by the course which we have pursued. I am for having done with it. If we are to reject the bill, and the non-intercourse, miserable as it is, to be left to expire at the end of the session, it shall not be with my vote. Nay, sir, if it were disgraceful that the non-intercourse should be taken off, I would still say that if it was to be annulled, it should be here in open day. If I am to be disgraced, I would rather meet disgrace here than at my own fireside, surrounded by my children and by my constituents. I will not sneak home to avoid disgrace. When sent here to do the best for my constituents, I will act here in open day, as I think best; and am, therefore, against any further postponement.

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Messrs. TALLMADGE, QUINCY, COOK, and DANA, also spoke against postponement; and Mr. FISK in favor of it.

The question on postponement to Monday next, was decided as follows:

YEAS—Willis Alston, jr., William Anderson, David Bard, Burwell Bassett, Adam Boyd, John Brown, Robert Brown, Joseph Calhoun, Matthew Clay, John Clifton, Howell Cobb, James Cox, William Crawford, Richard Cutts, Joseph Desha, Jonathan Fisk, Meshack Franklin, Barzillai Gannett, Gideon Gardner, Thomas Gholson, junior, Peterson Goodwyn, William Helms, James Holland, Benjamin Howard, Jacob Hufty, Richard M. Johnson, Aaron Lyle, Alexander McKim, John Montgomery, Nicholas R. Moore, Gurdon S. Mumford, Roger Nelson, Thomas Newbold, John Porter, Peter B. Porter, John Rea, of Pennsylvania, John Rhea of Tennessee, John Roane, Frastus Root, Ebenezer Sage, Thomas Sammons, Lemuel Sawyer, Ebenezer Seaver, Adam Seybert, Samuel Shaw, John Smilie, George Smith, John Smith, Henry Southard, George M. Troup, Charles Turner, jr., Robert Whitehill, Richard Winn, and Robert Witherspoon—54.

NAYS—Lemuel J. Alston, Ezekiel Bacon, William W. Bibb, Daniel Blaisdell, James Breckenridge, William A. Burwell, William Butler, William Chamberlin, Epaphroditus Champion, Martin Chittenden, James Cochran, Orchard Cook, Samuel W. Dana, John Davenport, junior, John Dawson, William Ely, James Emott, William Findley, David S. Garland, Charles Goldsborough, Thomas R. Gold, Edwin Gray, William Hale, Nathaniel A. Haven, Daniel Heister, Jonathan H. Hubbard, Richard Jackson, jun., Robert Jenkins, Walter Jones, William Kennedy, Herman Knickerbacker, Joseph Lewis, jr., Edward St. Lo, Livermore, Robert Le Roy Livingston, Matthew Lyon, Nathaniel Macon, Robert Marion, Vincent Matthews, Samuel McKee, Pleasant M. Miller, William Milnor, Thomas Moore, Jonathan O. Moseley, Thomas Newton, John Nicholson, Joseph Pearson, Benjamin Pickman, jun., Timothy Pitkin, jr., Elisha R. Potter, Josiah Quincy, John Randolph, Matthias Richards, Daniel Sheffey, Dennis Smelt, Samuel Smith, Richard Stanford, John Stanley, James Stephenson, Lewis B. Sturges, Jacob Swoope, Samuel Taggart, Benjamin Tallmadge, John Taylor, John Thompson, Uri Tracy, Jabez Upham, Nicholas Van Dyke, Archibald Van Horn, Killian K. Van Rensselaer, Robert Weakley, Iaban Wheaton, Ezekiel Whitman, and James Wilson—74.

The question now recurred on adhering to the disagreement to the Senate's amendments.

Mr. TROUP said, if it was the object of gentlemen to get rid of all commercial restrictions, they could only do so by concurring with the Senate. If they adhered, their object would, indeed, be defeated. The non-intercourse would be saddled on the country as long as the law continued in operation. Look at the sections of the bill as it went from this House, said Mr. T. It is true that one of these sections repeals the non-intercourse, but it is also true that another section substitutes a measure, which, if retaliated, must revive the non-intercourse in fact. Not only are these provisions inconsistent, but another section of the bill recognises that inconsistency, and provides a remedy, by authorizing the President to execute the law within four leagues of the coast, by employing the public armed vessels of the United

States, to detect smugglers. Now, I say, sir, that the amendment of the Senate, which goes to the destruction of these sections, has for its object the destruction of the non-intercourse law. Sir, no man can contemplate the non-intercourse law in a light more serious as an evil to the people of this country than myself. There never was a measure adopted more deleterious in its operation on the morals and interests of the people. The single effect of it has been to depreciate the staple commodity of the country at the rate of one hundred per cent., and exalt the British manufacturers in the same ratio; to make cotton sell at eleven cents a pound, and to make the growers of it pay fourteen dollars a yard for broadcloth. Look at the practical operation of it. A cargo of cotton from a Southern port is landed at Amelia island. If British goods are there, ready to exchange, they are taken in exchange for the cotton, and smuggled into the country. If there be no goods there, they bring back no return, except the freight, for the short navigation to Amelia island. The cargo is landed, a duty of eight per cent. paid on it, besides commissions, &c., and a duty of eight or ten per cent. more on re-exportation, and what freight the British ship-holders choose to demand. This is not only the effect of the non-intercourse. It must be the effect of every system of commercial restriction short of the measure of embargo; because all the penalties and sanctions which you can possibly devise for carrying that system into operation, must operate on a class without the reach of those penalties; people who are without your jurisdiction, people, too, who tell you, in the plainest language, they have no country, that they are governed by no sentiment of honor or principle of patriotism, that commercial gain is the sole object of their consideration, and that every other object will be sacrificed to it. Does not every day's experience apprise you that this is the truth? Look at the common practice and habits of those called ship-owners. Are they not every day lending their vessels to the British merchants for the purpose of violating the Continental policy to the French, Dutch, or any other merchants for the purpose of violating the British Orders in Council, or to British and French merchants, for violating the laws of their own country? And is it possible, sir, that you expect to execute with any degree of success, a system which is to operate on the belligerents, when the penalties for a violation of the system are to operate on this class? It is impossible; such a system must be futile and inefficient. Because, then, I am disposed to get rid of the non-intercourse and every sort of commercial restriction, conceiving it injurious only to ourselves, can it be said that I am disposed to submit to the orders and decrees of the belligerents? No, sir; those gentlemen have surrendered the rights and interests of the country who did originally submit to an abandonment of the embargo. It is true now, and it was true then, that there was nothing between you and the British Orders in Council but either embargo or war. You repealed the embargo, and refused to go to war, and

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now, as then, there is no remedy short of war or embargo. Propose what other remedy you please, and it is only calculated to excite ridicule abroad. If you propose to convoy—what! it is asked, will you convoy a trade to every quarter of the globe with six, eight, or ten frigates? If you propose to arm the merchantmen—what! it is asked, will you arm your merchantmen against the British navy? If we are to have neither embargo nor war, I, for one, am willing to get rid of the non-intercourse, and not substitute anything for it. To obtain this object there is no mode left but to concur with the Senate in their amendments, and strike out those clauses which can have no other effect than to perpetuate the system of non-intercourse.

Mr. SMILIE feared, from the sentiments he had heard expressed, that he was this day to witness the degradation of his country. The question now is, said he, will you pass the bill as it comes from the Senate, or not? If we agree to recede, we give our vote for the Senate's bill, which, on all hands, is acknowledged to be submission. I have never yet been brought to this point. I may dishonor myself, but my honor cannot be taken from me by another, and I shall endeavor to preserve that consistency of conduct which has governed me through the whole of our struggles. I agree with the gentleman from Georgia, that, when we abandoned the embargo, we did abandon the only measure, which, in my opinion, could coerce our enemies; for I have always doubted whether from a regard to commercial rights it would be justifiable to go to war, not only on account of its inefficacy to produce the desired effect, considering the situation in which we stand in relation to those countries, but also on account of the expense of war measures. I once did consent to war measures; but it was under the most favorable circumstances in which the country ever was. I did it at a time when our property was safe in our warehouses, and our ships in our ports, when I believed there was no alternative left, after the embargo was wrested from us, and I had no choice but to take that measure to preserve the honor of the nation. It is a curious circumstance that gentleman on the other side of the House, repeatedly endeavored to convince us and the nation, that the embargo was a measure which we could not carry into effect; that it would only distress ourselves and not our enemies, while those in this House and elsewhere were taking every measure in their power to defeat its operation. By their speeches in this House, they encouraged Great Britain to hold out, and encouraged the people in their own States to violate the law. I do not say such was their intention, but such undoubtedly was the effect of their acts. I did and do now believe that the embargo was the only efficient measure within the reach of this nation, to enable her to contend with the Powers who have injured us. And, I believe, if we had adhered to that measure, matters would have been settled before this time. There is no ground on which we can account for the arrangement of April, with Great Britain, but from the effect

which the embargo had upon that nation. Gentlemen may devise what reasons they please, to show that it proceeded from other causes, but they cannot convince my mind; and I am convinced that, if the Government had exerted itself, and executed the law when they were able to do it, we should have had an end of our troubles. This being my opinion, I think I have acted a consistent part. I have ever believed, and now do believe, that regulating commerce is the only way to oblige the belligerents to do us justice. As to the non-intercourse, I did agree to it; it was better than nothing—it was not submission. What are we called on now to do? To vote for a bill which every man in the House must confess to be submission. The only part of the bill of any validity, as resistance, was taken out by the Senate, and we are now called upon to vote for the remainder. Gentlemen who can reconcile it to themselves may so vote. My vote is often recorded on the Journals on it; and, preserving an uniformity of conduct, I shall now vote to adhere. And, sir, notwithstanding what has been said, no great mischief can result from adherence. What will be the effect? That the non-intercourse will continue until we rise, and no longer. Shall we disgrace ourselves, and contradict all the votes we have given, for the sake of avoiding two or three weeks continuance of the law? For the sake of a few days earlier termination of the law, shall we submit by statute? Shall we not only be compelled to submit, but to make the declaration ourselves? Gentlemen who can reconcile this, may vote to recede. As I never can reconcile it to myself, nor ever will do an act which shall disgrace myself, I shall vote for adherence.

Mr. McKEE said that when the House was deliberating on the great and essential interests of the nation, they should take into consideration the relative situation of the country with Europe—for a measure which would be wise in one state of things would be unwise in another. The bill under consideration, as it went from this House, was fitted for the existing state of things, and not a state of things existing heretofore, when measures stronger in themselves were necessary. What, asked Mr. McK., was the state of things when the embargo and non-intercourse laws were passed? The French and English decrees and orders had been issued. Under them it was not practicable to proceed on a voyage to Europe without being liable to capture or confiscation. What, then, was left for Congress to do? Were they to submit to this state of things—to permit a foreign nation to say to us, thus far shall you proceed in the exercise of your natural rights, and no further? The man who would have submitted to this, would, if he had figured between 1770 and 1776, have recognised the right of Great Britain to make laws of sufficient validity to bind the Colonies in all cases whatever. What, then, was the indispensable duty of the United States? To take measures to protect commerce in some way, and not to leave Great Britain and France to wield their measures as they please. Congress then laid an embargo, the

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only measure they could adopt, for the interest of the country, unless they had thought proper to "cry havoc, and let slip the dogs of war." And what is the state of things, at this time? Do the British orders and French decrees remain unimpaired? I ask gentlemen to look to it, to examine our situation, and they will find an essential difference between our situation to-day, and when the embargo was laid; and hence the measure passed by this House, early in the session, and now returned to our consideration, was calculated to meet the present state of our foreign relations. It would have been inefficient had the state of things now been the same as it was when the embargo was laid; and the man who would have voted for it then would have yielded the rights of his country, for there would have been nothing on which the bill could operate. But, by the orders in Council, of April last, an essential change had been made in the British system. That part which exacted a transit duty exists no longer; and, according to my conception, that part of the Orders in Council of November, 1807, which regarded the capture of all vessels having certificates of origin on board, as required by the French decrees, exists no longer. In this I may be mistaken, but it is the construction I give to the orders of April last. If I am correct in this, the commerce of the Mediterranean and the Baltic are open to the United States, and our situation is in fact as advantageous as if Erskine's arrangement had been carried into full effect, except that our commerce to Holland must be carried on through the neighboring ports. But the Orders in Council still exist in principle; and no American citizen, feeling it his right to navigate the ocean, without hindrance or molestation, can submit to the right of a foreign nation to prescribe limits to the exercise of that right. If we permit Great Britain to circumscribe that right, the period is not far distant when she will confine you to your own ports and harbors. It is against the principle I contend; and the bill, as it passed the House, presented more serious practicable opposition to it than any measure but the embargo, which, I have shown, was calculated for a particular state of things, which has now passed away.

I have heard, sir, not in this House, indeed, a volume of stuff about retaliation, and so forth; and how was this measure to be retaliated? Why, it was said that Great Britain would stretch out her long arms, and sweep our commerce from the ocean. While I believe that, in her present situation, she could not do it, I will observe that the same argument proves too much if it proves anything, and, if it proves too much, it proves nothing; because she would, if so disposed, long ago have adopted this mode of retaliation against our present system. What motive has Great Britain to retaliate this measure? Is it to be presumed that she would act against her interest? Her conduct, heretofore, will not justify such an opinion. It has been said that the embargo was an efficient measure. I believe it was, and that the arrangement of April last was produced by

it; and that if it had been adhered to, that arrangement would have been carried into complete effect; and this belief is bottomed upon the communications made to Congress at the commencement of the present session; and no man who will permit facts to have their proper weight on his mind, can differ from me in opinion. The moment Great Britain had retaliated the measure now under consideration, if it had been adopted, it would have operated as a complete embargo, which she herself would carry into effect; and is it to be supposed that Great Britain herself would lay an embargo, and adopt a measure which would produce destruction to her own commerce and manufactures? It is idle and absurd to say so.

Sir, there is something in this business, which I do not like—something which does not please me—but, perhaps, it is not proper to mention it—the measure is taken; the Rubicon is passed, and it is only left for the House to decide on the poor remnant of the bill left us by the Senate. I conceive that the House cannot strike out that part of the bill, which the Senate have disagreed to, and accept of the balance thereof, unless we agree to the right of Great Britain to make laws to regulate our commerce on the ocean. That it is a right belonging to the United States to navigate the ocean without being interrupted by the edicts of Great Britain and France, no one will deny; and though this bill be called a weak opposition to the decrees and orders, I believe it was never rejected by the Senate for its weakness but for its strength. Great Britain would have felt the weight of it—how? Does not Great Britain owe her existence to her manufactures? and the moment she ceases to find a market for her manufactures, she ceases to exist as a nation. So well convinced is she of it, that she is sensibly alive to every measure which would lessen our dependence on her. With the view to obtain a market for her produce the Orders in Council first issued. The United States are not only purchasers of British manufactures, but purchase a considerable proportion for exportation. One-third of the manufactures of Britain, now imported into the United States, would, under this bill, have ceased to be purchased. This was the part of the bill which was objectionable. Of this I have not conclusive evidence, but I have sufficient to satisfy my mind. I hope, therefore, the House will not agree to the amendments of the Senate, but adhere.

Mr. LYON observed that the question now under consideration being to adhere to the votes given by this House, disapprobating the amendment of the Senate to the bill before us, he could not but consider all the arguments of gentlemen in favor of the sections stricken out by the Senate, as thrown away in favor of an object which was passed by us. If the Senate had not taken the stand they have, by a conclusive vote, and gone too far to recede, and gentlemen could get their arguments into the Senate, possibly, said Mr. L., they might have some effect. Having voted for the bill, as it went to the Senate, partly because I

have a liking for the principle of a navigation act to encourage our own ship-owners and ship-builders; partly because gentlemen were willing to adopt it as a substitute for their dear, darling embargo, the semblance of which they seem so bewitchedly loth to part with. Yet, I more particularly voted for it, because it would rid the nation of the relics of the embargo, which has been the greatest curse to this country, and disgrace to its inventors. Although it has driven our seamen into foreign service; ruined thousands of our best and most active citizens; impoverished the great mass of them; caused millions of disappointments to people in their dealings; and State laws to be passed, legalizing the most cruel and ruinous delays in payment:—Although it has taught our seafaring men the art of smuggling and false swearing, which will ever be a vexation to our Government in the collection of our revenue:—Although the embargo is acknowledged to have very sensibly affected the morals and the moral character of the nation; to have emptied an overflowing Treasury, and to have created divisions and political animosities which have embarrassed the Government, and reduced the power of the ruling party:—Although all the predictions we made while we were endeavoring to check the project and show its folly have proved true:—Although gentlemen, when they and the world see the failure of their experiment, make concessions which strip them of every claim to political sagacity;—they hug to their bosom the viper that has stung them, and seem determined to cling to the poisonous reptile until they can be indulged in changing it for a pet, (which, however little related,) they are willing to receive as one of the same family. The concessions I speak of, sir, are the declarations we hear every day in this House; that the embargo gentlemen had believed that there was what they called virtue enough in the nation to abide by the embargo; that there was what they called patriotism enough in their opponents to aid them in their project; and that the powers of the Government, which they themselves wielded, were sufficient to enforce it. These declarations and the wailings and moanings of gentlemen, are the concessions I mean. They would not believe us when we told them the attribute, or the thing they called virtue, was mere monkish self-flagellation and debasement. What they wished to denominate patriotism must be on our part a dereliction of our own characters, which our opposition to their folly and their virulent abuse of us made it necessary to defend. As to the acting powers of the Government, they had the uncontrolled management of them. They had no opposition from us. We had given opinions as guardians of the people's rights which we were bound to defend. We did no more, while contumely and the most virulent abuse was heaped upon us. Is it not unpardonable folly for professed politicians, after they have caused all those degradations, losses, and humiliations to the nation, to be now telling us they were led into this series of blunders by their own miscalculations

of the powers and properties every man who has the least pretensions to the character of a politician ought to be thoroughly acquainted with? The disappointed embargo gentlemen, by their mournful concessions, are telling the world that they did not understand human nature, the character, the wishes, the wants, the habits, and ways of the American people; their relations with the world we live in; the proportion of importance this nation sustains, and history of man, as well as their opponents did. Under all these circumstances, I can hear gentlemen with patience spending day after day in praising each other's wisdom, and in singing hallelujahs to the all-healing powers of the embargo, if they will contrive to do so without calling me by hard names. Having, as I say, joined with gentlemen in sending this bill to the Senate, and having lost all hopes of ramming it down their throats, and finding it to be assented to, on all hands, that the non-intercourse law must die at the end of the session, and that it is also assented by every one, that it has lowered the price of the products of our country, as much as the circuitous voyage, unloading and reloading costs, I cannot hesitate a moment in giving that vote which will go toward its instant repeal.

If the non-intercourse law continues to the end of the session, I know that the produce of the Western country, now going to Orleans, must be sold there at the non-intercourse price. If the non-intercourse law is now repealed, news will reach Orleans, so that the bulk of that produce will command the free-trade price, probably ten per cent. more, perhaps twenty; this, in the aggregate, would be an important sum to the Western country; it would be material aid to my immediate constituents. And why will gentlemen, in the Atlantic States, where access can be had to their ports, at all seasons in the year, whose constituents are not so much affected by the delay, gentlemen who can give no reasons for that delay which is so injurious to us, insist upon it! In this case, we are told, wait a little longer—some good may come by waiting. We are told this, too, much in the same confidential tone, we have been a thousand times told, that in two months more, and two months more, the embargo would reduce the belligerent Powers in Europe to our will, and cure every evil complained of. Two months was the time at first, two months was the time at the passage of every supplement, or new embargo law. Two months was the word, until the nation had groaned under its pressure fifteen months—until some parts of the nation were about to cast it from them with violence. At that time, some of the votaries of this delusion begged for another two months, and some yet cry out two months more would have healed all. I do not like this work of crimination and recrimination; but, when gentlemen in their farrago of gratulation to each other on their wisdom, and of their wise measures, call my loyalty to this nation in question, as was done by my colleague, (Mr. McKee,) in his declaration, that the man who would not acquiesce and give his

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assent to the all-healing embargo system, would not have opposed the declaration of the British Parliament, which said that they had a right to bind Americans in all cases whatsoever. I cannot fail to be roused. I lived in those days that young gentleman has read of. I never had a drop of tory blood in my veins. I have unceasingly opposed, with all the powers of my mind and body, the declaration he speaks of—I do so to this day. While I, with envy, see the power of Britain on the seas, I never will admit she has any more rights there by nature than we. No man in this nation would more readily consent to a contest for the ocean with Britain than myself, were there a prospect of success; perhaps I possess this feeling to a blameable extreme. I hope I see as clearly, and value the rights of this nation as highly as any man that exists; but I am not so enthusiastic on this subject as to blend my ideas of those rights with my ideas of our national power. It seems to me as if some gentlemen had so confounded things as to form an idea that a great deal of right with a small share of might or power—the whole of both compounded—amounting to a given quantity, would answer just as good a purpose as a large and sufficient share of power added to right, just enough to make up the compound to the same given quantity. For my part, I have not become so far a convert to this kind of logic, as to tell my neighbor to go to law, merely because he has the right of the case on his side. No, sir, I advise him to wait until there is a prospect of gaining the cause. This world, I find, is so constituted, that might often overcomes right. It is true, that right gives men courage; right and courage united work wonders. Yet, both are not to be relied on, where physical force is to be brought into action at the rate of one against forty. Because I am not willing to enter into a Quixotic war, which is really so for want of an instrument, I think necessary, commonly called power, and because I have been opposed to certain power-destroying projects, I am charged with a disposition to submit, and that by men who ran from and gave up the whole ocean on the appearance of being threatened to be deprived of the free and uncontrolled use of a part of it.

Never was a word more inappropriate than the word "submit," when it was introduced into this House last year, at the end of a long string of unmeaning words. I could see no use or sense in the jargon report to which this emphatic word was so prominently affixed. I would not vote, sir. I could not deign to answer a question I considered extremely impertinent, and, in our circumstances, highly impolitic. The understanding of the world on these subjects, is, that blows immediately follow such language. Without an authorization of immediate hostilities, we ought, like a man of honor, to have kept the idea of submission far away from our mouths, at least; but, in this war of words, gentlemen sometimes blunder on the word of all others they ought most studiously to have avoided. When a thunder shower overtakes me on the road, and wets me to the skin, do I go home bawling about

submission, and tell the people that I have submitted to be rained on; do I work myself into a rage, and make a solemn declaration to the world that I will no longer submit to be rained on when I go abroad? There is some similarity in the two cases. If a Power, out of the reach of our control, from what cause soever, affects our interests disagreeably, until we have power to correct that offending Power, we ought to depend on the exercise of our wisdom; we should never make our case worse than it is, by crying out that our all is in danger; we should study circumspection in all our movements, always cultivating the germ of our own power, which has taken deep root, and taking, as a Government, and suffering our fellow-citizens to take, advantage of every favorable circumstance, every incident, until we can say with solemn seriousness and effective action that we will not submit. We have too long been doing otherwise; an infatuated policy has prevailed, which is administering poison to this germ of power, a plant my heart wishes to see nourished. Against my will the nation has been weakening as fast as political degeneracy can weaken a nation, blessed with the natural resources of our country.

Before I sit down, I must take the liberty of asking the gentleman from Virginia, who talks about the fluctuation of prices of American produce in Europe, whether this fluctuation operates in favor of the American grower of the produce, and the fair-dealing exporter, or in favor of those persons, called the dregs of society, the speculating law breakers; he will find that the fluctuations are owing to the changeable appearance of the prospects of intercourse with this country, founded on the various and changing expectations of the course our Government will pursue, and that the speculating law breakers are the gainers. Let commerce take its course in the hands of men so enterprising and managing as the American merchants, ship-owners, and seafaring men are, it will find markets. They have found sale for American produce, and good returns from places wholly unknown to Salmon and the geographers that went before him. One word of advice to my colleague, (Mr. McKee,) and I have done. I beg the gentleman, before he undertakes to say again, on this floor, that American vessels were totally prohibited the ocean and the rest of the world, and that they had no place to go to in safety, to acquaint himself with the great number of vessels, which, by special permits from this Government, (not by permits from foreign Governments,) sailed out of our ports, and made profitable voyages, more so than at any other time. Let him inquire, and he will find that, at no time in our history, did our vessels navigate with more safety. I wish him to consider how his assertions tally with the reports we have of the immense number of embargo breakers who had made fortunes. A like inquiry would convince him that more than one-third of our vessels, trading to foreign countries, were out at the time of laying the embargo, and that they seldom met with less disasters.

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Mr. SHEFFEY said that nothing but the apparent inconsistency of the vote he was about to give could induce him now to trouble the House. The question now propounded to the House is, Shall we pass the bill, or shall it fall? It will be recollected, said Mr. S., that I have heretofore voted for the bill throughout, and, also, to insist on our disagreement to the amendments of the Senate, under the impression that a conference might produce an amicable result, and effect the purposes of both branches of the Legislature. A conference has been had; that conference has not produced any favorable result, and the Senate have adhered. The question is, Shall the bill fall, or shall we take it as the Senate have amended it? I shall vote to recede, not because I particularly like the bill as it is, but because it is the least of the two evils. As the bill went from this House, it contained three propositions: 1st. Interdicting the public armed vessels of Great Britain and France from entering our waters; 2d. Interdictory commercial provisions; 3d. The repeal of the non-intercourse. No one considered either of the two first as containing coercive principles, but as a kind of policy proper to be pursued on account of the injuries we have received from both belligerents for several years past. No one supposed that the exclusion of ten or twenty thousand tons of her shipping would be a consideration with the navigating interest of Great Britain, but it was thought by the friends of the bill to be due to the American character—to a sense of dignity and propriety—in this shape, to enter a kind of protest against her proceedings. She has done us much injury, and no favor; and, therefore, we would have adopted a measure which we would not otherwise have done.

The Senate have struck the interdictory commercial clauses from the bill? What is the consequence? Is the dignity of the nation better supported by putting this bill to sleep than by passing a portion of it? We have not, as before, a double protest in the bill as amended by the Senate, but still, a protest against the injustice of the belligerents is contained in the first and second sections of the bill. Is it more submission to repeal the non-intercourse and exclude British armed vessels from our ports, than to suffer the non-intercourse to expire at the adjournment of Congress? I cannot discover it. I conceive the bill still contains a kind of protest—a provision which shows our objection to their illegal proceedings. If nothing of this kind be done, and the non-intercourse is suffered to expire, we shall be precisely in the state where the embargo found us. We shall have neither directly nor indirectly protested, having withdrawn everything like opposition to the orders and decrees.

With respect to ourselves, will we not be in a better situation by taking the bill as it came from the Senate than by rejecting it entirely? There is hardly a gentleman, acquainted with the interests of the country, who pretends to support the non-intercourse as a measure of expediency. It has tended to demoralize the country, and to throw wealth and opulence into the hands of the

dishonest. What is its effects on the agriculturist, as well as the merchant? The moment you affect the one of these, you affect the other. Either a trade is carried on directly to the belligerents against the law, or indirectly, through intermediate ports. If directly, there is a hazard, because the vessel and cargo are liable to confiscation, and every one who carries it on must have a premium for his hazard. Suppose the trade be indirect, which is the course the honest capitalist will pursue? He will take our produce to Amelia island, or Madeira, or some other entrepot, where it must be reshipped, with heavy duties and expenses. Can any gentleman say that this course of things will promote the interests of the country when it is throwing the burden of the system on his own constituents? I have no idea of supporting our honor in this way—by throwing the emoluments of our navigation into the hands of the nation who has injured you.

Does the non-intercourse affect Great Britain? Is she not as plentifully and as cheaply supplied with raw materials as she has been at any other time? Gentlemen need not to take my assertion, but refer to the prices current in Liverpool of American products. They will there find that at the present time of suspension of the non-intercourse, they are supplied at a much cheaper rate than before the embargo. To attempt to coerce Great Britain by withholding supplies by the non-intercourse system is visionary. Are her manufactures scarce in this country? Can the law produce any possible effect in this respect? Certainly not, sir. The Secretary of the Treasury tells you that the non-intercourse is a visionary phantom; that it is not enforced, and cannot be; but the hazard of introducing foreign goods operates as a bounty to fraud. Is it then valuable to retain this law? Is it not our duty, as soon as possible, to get rid of it?

I shall vote against adhering—and why? The bill, as it went from this House, I conceived to be calculated to promote the interest of the country, and to preserve a protest against the conduct of the belligerents. As returned from the Senate, it still preserves a protest. It is not coercive, but it is not that submission of which gentlemen speak. I can get nothing better; and, if I cannot obtain all my objects, it is no reason why I should not vote for part of what I want. I have heard much said about submission in voting to recede. How is it submission? By voting for the amendment of the Senate you get clear of the non-intercourse law, which is operating on us so injuriously, and exclude from our waters the armed vessels of the belligerents, those instruments of arbitrary power which injure our commerce and violate our rights. To declare that they shall not come here, it seems is submission. To suffer them to fit out and rendezvous in our harbors is not submission, but to prevent them from so doing is submission. With respect to submission, sir, I have an entirely different opinion from some gentlemen. It is not a very honorable thing to make a great parade when we

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mean to do nothing; to talk about fighting when we cannot evince our real sentiments by the employment of force. I do not consider it submission at all to pursue our interest, which is clearly involved in the passage of the bill.

I make these observations that I may not be misunderstood as abandoning the grounds I have before taken. I would still take the bill as it passed this House, rather than in its present shape; but, not being able to obtain all, I am willing to take a part of it. If I could not obtain the three objects embraced in the bill, I would take two of them, because I believe the interest of the people requires such a course. It is important that we should now act on the subject, or we shall injure our country by preventing the enterprise of our merchants from taking advantage of the present state of things.

Mr. McKIM rose to speak in favor of adhering. He regretted exceedingly that from want of habit in public speaking, and from the much that had been said, he could throw but little light on the subject; but, under the idea that erroneous opinions had been taken up by some gentlemen, he said he felt it his duty to say a few words. It had been stated by the gentleman from Georgia (Mr. TROUP) that the non-intercourse was the means of restraining our citizens to the great injury of their interest. I contend, said Mr. McK., that it is the restrictions of the European Powers that have broken up our commerce. We have been shut out of Europe, which is the centre of the commerce of the world. There is no part of that country which consumes exclusively the excess of our commerce but the continent of Europe; and we are permitted only to go to the Northern part of Europe, where they do not want our products, where they raise the same articles as ourselves; and, till these restrictions are removed, it is not material whether the non-intercourse exist or not. But I am for getting rid of it, because its operation is partial, operating injuriously on the upright part of the community. Conformably to this idea, I voted for a bill for this purpose, which in my opinion was the most rational measure that could have been adopted to repeal the non-intercourse law. This bill was sent on to the other branch of the Legislature; and if they have not accepted it, it is no longer my fault if the citizens of America suffer under the non-intercourse law. No object is to be gained by a hasty repeal of it. Gentlemen are mistaken when they indulge the idea that our products will be enhanced in value by a repeal of the non-intercourse. It may give a momentary elevation to prices; but when the result of the first voyage is known, they will be lower than they are now. I voted for postponement, as I thought we had better have waited for information from Europe; but as that was negative, I shall vote to adhere to the bill.

Mr. MACON said he should vote to adhere. As the bill went from the House, it contained an equal measure to both belligerents; but it was not so now. France, he said, had now no American dominions, and her vessels of war could not come into these seas. The interdiction of armed

vessels from our waters would have no effect upon France, while it unquestionably would upon England. This would be the natural operation of the bill. The course pursued heretofore by this Government had been with a view to maintain a perfect neutrality. The bill was a departure from that principle; and it had better fail than that we should depart from that system of impartiality which had so long prevailed in the nation. If the protest in the bill was equally strong in relation to both belligerents, as it was in the original bill, the objections to receding would not in his mind have been half as great as they are; but the impartiality of it was entirely destroyed.

Mr. FISK.—Mr. Speaker, it is with reluctance that I rise again to address the House upon any question concerning this bill—a bill which has been so long and so often before the House, and so much discussed, that but few, if any gentlemen, present, are not prepared to give a final vote upon it. But it is with some surprise, that I hear gentlemen declaring that they now entertain a different opinion upon this subject, from what they have heretofore expressed. To gentlemen on the other side of the House, who have uniformly opposed the embargo and non-intercourse acts, as a system of commercial restrictions, operating only upon the American people, I say nothing. They, in voting to get rid of them, can at least plead the merit of consistency in their votes. But, of gentlemen who have been the authors and advocates of these measures till this time, I would inquire why are they now to be abandoned without any substitute or system? Have the great objects for which they were adopted been obtained? Have the belligerents ceased in any considerable degree to violate your neutral rights, to depredate upon the property of your citizens? Are their decrees and orders, which have been considered in this House so obnoxious, rescinded? No; the system of the belligerents remains unchanged, but we, impatient to risk our property again in their power, anxious for a profitable market, are about to give up all pretence of resistance to their aggressions, by receding from our vote of adherence, and agreeing to the amendments of the Senate!

Is it expected that the American people, after the spirit of patriotism and independence they have manifested in submitting to the embargo and non-intercourse acts, will now be willing to succumb to either England or France? No, sir. And when gentlemen who passed these laws, now discover so much impatience to repeal them, and there stop, I would ask them for some arguments to satisfy the people, to offer to my constituents, for this going back policy—this retrograde legislation. If we want spirit to resist or resent the injuries and insults we have received, let us avow it, that our moderation may be known to all men, or at least to those who have sent us here. If the non-intercourse is now to be repealed, for the purpose of finding a market, let us declare it, and tell the merchants we have done wrong in restraining them so long, from the profits of the voyage. If we cannot, or will not, protect our foreign commerce, let the merchants know then

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are not to expect any assistance. But let us go farther than barely to repeal this law: let the work of repeal proceed, and take off your discriminating tonnage duties, open your ports to the vessels of every nation upon equal terms. If we cannot go to the purchaser and consumer of our produce, let them come here upon the most favorable terms, and thus create a competition in our own market, which will be advantageous to the grower and to the farmer; reduce the Army, and retrench the expenses of the Navy. Let us have some fixed course, something upon which the people of this country may calculate will endure longer than from the meeting to the adjournment of a session of Congress. Say that you will have some system, if it be a receding, submissive, terrapin system. A fluctuant, irresolute, uncertain course of legislation, is, of all others, the most ruinous. It carries disappointment and distress to every class of the people, and to every quarter of the country.

In the early part of the session I was willing to have repealed the non-intercourse, upon the terms and under the limitations contained in this bill as it passed from this House, and accordingly voted for it, under the impression that the advice we might during the present session receive from Europe, would enable Congress to fix upon a peace or war system. It was my belief that the bill would have been viewed in the other House as it had been here, and that it would have passed that branch of the Legislature without delay, or material amendment. But I have been mistaken, and am still unable to account for the course it has taken in the other House. Having had the honor to be a member of the committee of conference, and to meet a committee on the part of the Senate, for the purpose of uniting the opinion of the two Houses upon this bill, I may be permitted to state why an agreement has not been the result of the conference.

It has been said that the committee on the part of this House were determined to have nothing but the bill in its original form, that they would not agree to any modification. This assertion, sir, is untrue, let who will make it. As a member of that committee, I was disposed to yield to any arguments which would justify it, and this disposition was manifested by every member of your committee. We were not so tenacious of the provisions of the bill, as to insist on them in preference to any and every other; if those were shown to be improper they would have been abandoned with or without a substitute. But as the Senate had the bill before them, and had requested a conference, the very forms of parliamentary proceedings authorized your committee to expect that the committee from the Senate would assign some substantial reasons for their amendments, or be willing to agree to some modification of the bill. The arguments of that committee, advanced by one of its members, for striking out the several sections of the bill, were—that the bill as it passed the House was submission to the orders and decrees of the belligerents, concealed under a show of commercial regulations, and the Senate had

done no more than to tear the veil from it. Their next argument seemed to answer and refute the first; it was urged that if Great Britain should retaliate our own system and exclude our vessels from her ports, it would produce a complete non-intercourse between the two countries. Another argument for striking out the obnoxious sections was, that we were unable to carry on a commercial warfare with England; that it required us three months to make a law which she could countervail with a single dash of the pen. Then it was said, that an embargo or non-importation act were the only measures by which we could affect her. This reasoning, so directly at war with itself, however it may have excited the astonishment of your committee, did not produce a conviction that it was their duty to accede to the amendments of the other House.

After objecting to the bill as a weak submissive measure for repealing the non-intercourse, why strike out every other and material part of it but this repealing clause? Because it is not submission, because England may feel its provisions and retaliate and produce a state of things, which gentlemen admit she would be very unwilling to bring about and very unable to support, a non-intercourse. And yet gentlemen say, an embargo is the only measure which will affect her. And do gentlemen pretend, that they are willing to resist her aggressions, and oppose the only measure they consider resistance? No, sir, they tell us something more easily to be understood when they say, that we are unable to carry on a commercial contest with her. This is a very modern doctrine, and proves rather the wishes of those who preach it, than the correctness of the principle upon which it is founded. And had those who avow it now have declared it a few years ago, it might have saved much of this sort of contest and led to something more effectual.

To obviate the objection that our vessels would be liable to forfeiture in British and French ports, for excluding British and French vessels from our ports, under penalty of forfeiture, your committee proposed so to modify the bill as to admit British and French ships to come here with British and French articles of merchandise. But this was promptly rejected by the committee from the Senate.

That committee was then requested to offer some proposition upon which the committee from each House might agree—and your committee were presented with a proposition of so general a nature that it might mean literally everything, but practically nothing. It proposed “authorizing the President, under his instructions made conformably to the laws of nations, to grant convoy to merchant ships laden with American property.” This it was said was taking a respectable, independent attitude, one that would be honorable to the nation. Could your committee have viewed it in this light they would readily have acceded to it. But to the minds of your committee it presented nothing but a new source of difficulty to our present commercial embarrassments.

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But a very superfluous acquaintance with the laws of nations, will teach any one that convoy is not, nor ever has been regulated by any general and well settled rule, which has been at any time recognised by maritime nations, as a rule of conduct. England claims the right of searching all vessels for enemy's property or contraband articles. And her Courts of Admiralty have decided, especially in the well known case of the Swedish convoy, that resistance to what they term the right of search, is good cause of capture and condemnation. France resists this doctrine. Russia and the Northern Powers have, ever since the famous armed neutrality, contended for the principle that free ships make free goods; and the writers upon the laws of nations, particularly *Vattel*, assert, that belligerents have the right to prevent neutrals trading with the enemy in contraband articles, and that this right confers the power of enforcing it, by ascertaining the nature of the cargo, which cannot be done in any manner so effectually as by search. Although France and the Northern Powers have resisted the claim to search, as a claim not warranted by any other than the conventional law of those Powers who had settled it by treaty; yet America has never yet resisted this claim, but has admitted it in all her commercial treaties with the European Powers.

Then, sir, what does this new section propose? To authorize the President to do what is impossible for him to do. To issue instructions for convoying according to the laws of nations, when nations acknowledge no law upon this subject. The President is required to conform to a rule which is no where to be found. It proposed placing the Executive upon the bed of Procrustes. If his instructions permitted the convoy to be searched, and carried into port for further proof, the President alone is to be responsible for the consequences. If search were to be prohibited and resisted, and capture and condemnation be the result, the President is to be responsible. If this nation will protect commerce by convoy, let the rule and regulations under which convoy shall sail, be settled by both Houses of Congress, and let the Congress pledge the resources of the nation to enforce the rule which we may settle, whether it shall be resistance to all search, or to any particular mode of search. But I never would consent to devolve this duty upon any officer in the Government.

If I wished to pass a law which should have for its object the protection of commerce, this unlimited, indefinite convoy proposition would be the last I would agree to. If I wished to embarrass our trade and embroil the Executive, the merchants, and the country in war, this is the course I would take, and should feel confident it would lead to that result.

Taking this view of this proposition, which your committee believed to be correct, it was impossible they could agree to it; and however great may have been their anxiety to have united in opinion with the committee of the Senate, they have found it impracticable.

The question now recurs, shall this House recede from, or adhere to, their disagreement to the amendments of the Senate? And why, let me ask gentlemen, shall this House recede, and at this time, rest satisfied with a repeal of the non-intercourse? Are the merchants uneasy? Admit the fact, but can you relieve them by this measure? Can you promise them either an uninterrupted voyage, or a sure market? No, sir; the blockading decrees, the Orders in Council and the edicts of France still exist. Is it to avoid an entrepot? No, sir, you cannot tell the merchants this. By this repeal, so long as the ports on the Continent are shut, Liverpool and London will be substituted for Fayal and Amelia island, new warehouses may be procured, but a new market will not be found; a general depression of prices must immediately follow; for the British purchaser will know he can make his own terms with the American seller, so long as we can go to no other than an English market with our produce.

If it be true, as some gentlemen assert, that the conduct of Mr. Jackson will be approved by the British Government, and that the treatment he received here will be resented by that nation, in what a perilous situation do you place the American merchant by repealing this act at this period? You invite him to his destruction.

It is now all-important that this question should be delayed a few days longer. It will be admitted, that interesting events have occurred in Europe since the first of January, of which Congress in a short time will be further and better advised. The war may be considered closed on the Continent. A new Ministry and the meeting of Parliament in England may justify the expectation, that we shall soon receive important advices from the British Government. Let it be either favorable or unfavorable, it will be improper to recede from the vote this House has given upon this bill. For suppose it the most favorable, can we expect anything more than a recall of Mr. Jackson, a ratification of Mr. Erskine's arrangement, and a new mission to this Government? Yet it will be remembered that the arrangement with Mr. Erskine requires as a condition on our part, that the non-intercourse act as relates to France should be continued. Were we now to repeal it we should run the hazard of creating further embarrassments, to any adjustment with the British Government. If the next advices we are to receive are unfavorable, you would, by repealing all your restrictions, place the property of your merchants in the power of an enemy. It may be that a negotiation is now pending and progressing with both the British and the French Governments. Would it be advisable then for us now to act upon this question? If we this day repeal the non-intercourse act, we may in a few days be under the necessity of re-enacting it as shall relate to England or France, in order to restore the relations upon any arrangement which may have been made with either of those Governments. To accede to the amendments of the Senate, would not only at once yield the question

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to the belligerents, and acknowledge our inability to resist their aggressions, but it would be an obvious departure from that neutral course which it has been the solicitude of this Government to pursue since the year 1793. For the undeniable effect will be, to furnish a large supply of provision and naval stores to one of the belligerents. It might frustrate pending negotiations. The door of negotiation, it is said, is still open. I am unwilling to close it at this time, by an act of hostility or submission. If this bill should pass as amended, we cannot expect to negotiate. For what will remain for us to treat about? We yield all resistance, we remove all commercial restrictions. And what then is left to be settled? Why should a British or French Minister be sent to treat for a free commercial intercourse with us; when we, disposed to forget what we dare not resent, have, after three years complaining, given up the controversy?

To agree to this amendment, especially at this time, and in the present posture of our national affairs, would be sporting with the feelings, and trifling with the rights of a great, a brave, generous and injured people.

Why, let me ask gentlemen, shall we be hurried into this measure? Are we not able, have we not spirit, to pursue a more manly and independent course? The resources of the nation are abundant. The people are willing, nay they are anxious, to defend and protect their rights. And shall we betray a disposition to yield? Rather than do it, I would at once draw the sword, defend their rights, and avenge their wrongs.

WEDNESDAY, March 28.

Mr. HUFFY, from the committee appointed on the seventh instant, presented a bill for altering the times of holding the district court of the United States for the New Jersey district; which was read twice, and committed to a Committee of the Whole on Saturday next.

The following Message from the PRESIDENT OF THE UNITED STATES, received yesterday, was read:

To the House of Representatives of the United States:

In consequence of your resolution of the twenty-sixth instant, an inquiry has been made into the correspondence of our Minister at the Court of London with the Department of State; from which it appears that no official communication has been received from him since his receipt of the letter of November 23d last, from the Secretary of State. A letter of January 4th, 1810, has been received from that Minister by Mr. Smith; but being stated to be private and unofficial, and involving, moreover, personal considerations of a delicate nature, a copy is considered as not within the purview of the call of the House.

JAMES MADISON.

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On motion of Mr. JENNINGS.

Resolved, That the Committee on the Public Lands be, and they are hereby, directed to inquire into the expediency of instituting and establishing one or more districts for the disposal of

the lands ceded to the United States by treaties between the United States and the Delaware, Pottawamie, Eel River, Wea, and Kickapoo tribes of Indians, dated at Fort Wayne, on the thirtieth of September, and twenty-sixth of October, 1809; and at Vincennes, on the ninth of December, 1809.

The bill making provision for the relief of the infirm, disabled, and superannuated officers and soldiers of the late Revolutionary army, and of the present army of the United States, was read a third time; and, on motion of Mr. NELSON, re-committed for the purpose of amending the details of the bill.

FIRST MERIDIAN.

Mr. PITKIN, from the committee to whom was referred, on the twenty-fifth of January last, the memorial of William Lambert, made the following report thereon:

That the memorialist states that, for the purpose of laying a foundation for the establishment of a first meridian for the United States of America, at the seat of Government, he has made calculations to determine the longitude of the Capitol, in the City of Washington, from Greenwich Observatory, in England; and that he submits the same, together with the data and elements on which his calculations are made, to the consideration and patronage of the National Legislature.

The committee have deemed the subject worthy the attention of Congress, and would, therefore, beg leave to observe, that the necessity of the establishment of a first meridian, or meridian which should pass through some particular place on the globe, from which geographers and navigators could compute or reckon longitude, is too obvious to need elucidation.

The ancient Greek geographers placed their first meridian to pass through one of the islands, which were by them called the Fortunate Islands, since called the Canaries. Those islands were situated as far west as any lands that had then been discovered, or were known by ancient navigators in that part of the world.

They reckoned their longitude east, from Heria or Junonia, one of these islands, supposed to be the present Island of Teneriffe.

The Arabians, it is said, fixed their first meridian at the most westerly part of the continent of Africa. In the fifteenth and sixteenth centuries, when Europe was emerging from the dark ages, and a spirit of enterprise and discovery had arisen in the south of Europe, and various plans were formed, and attempts made to find a new route to the East Indies, geographers and navigators continued to calculate longitude from Ferro, one of the same islands, though some of them extended their first meridian as far west as the Azores or Western islands.

In more modern times, however, most of the European nations, and particularly England and France, have established a first meridian to pass through the capital, or some place in their respective countries, and to which, they have lately adapted their charts, and astronomical tables.

It would perhaps have been fortunate for the science of geography and navigation, that all nations had agreed upon a first meridian, from which all geographers and navigators might have calculated longitude; but as this has not been done, and in all probability never will take place, the committee are of opinion that, situated as we are in this Western hemisphere, more than three

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thousand miles from any fixed or known meridian, it would be proper, in a national point of view, to establish a first meridian for ourselves; and that measures should be taken for the eventual establishment of such a meridian in the United States.

In examining the maps and charts of the United States, and the particular States, or their seacoasts, which have been published in this country, the committee find that the publishers have assumed different places in the United States, as first meridians.

This creates confusion, and renders it difficult, without considerable calculation, to ascertain the relative situation of places in this country. This difficulty is also increased, by the circumstance that, in Louisiana, our newly acquired territory, longitude has heretofore been reckoned from Paris the capital of the French Empire.

The exact longitude of any place in the United States being ascertained from the meridian of the observatory at Greenwich, in England, a meridian with which we have been conversant, it would not be difficult to adapt all our maps, charts, and astronomical tables, to the meridian of such a place. And no place, perhaps, is more proper than the seat of Government.

It appears by the papers submitted to the consideration of the committee, that Mr. Lambert has calculated the longitude of the Capitol in the City of Washington, from the royal observatory at Greenwich, by one of the most approved methods now in use for that purpose, viz: an occultation of a known fixed star by the moon.

His calculations are founded on an occultation of α pleiadum, (*alcyone*) one of the seven stars, on the night of the 20th of October, 1804. By these calculations it appears, that the longitude of the Capitol, in the City of Washington, as reduced according to the true figure of the earth, (being that of an oblate spheroid,) is $76^{\circ} 53' 6''$. 920 degrees west. The committee would observe, that Mr. Lambert appears to be well acquainted with astronomical calculations; and that, so far as the committee have had time to examine them, they appear to be correct. In a question, however, of so much nicety, the correct decision of which depends so much on the accuracy of the observations made, and the goodness of the instruments used, and when the smallest error in the data will necessarily produce an erroneous result, full reliance ought not to be placed on calculations made from a single observation.

Indeed, in order to be certain of a correct result, it may be proper that more than one of the various methods of ascertaining longitude should be used; that calculations should be made from observations of the eclipses of Jupiter's satellites, of solar eclipses, of the angular distances between the sun and moon, or the moon and a fixed star, or other methods, as well as from observations on occultations of fixed stars.

The committee are, therefore, of opinion that, in order to lay a foundation for the establishment of a first meridian in this Western hemisphere, the President of the United States should be authorized to cause the longitude of the City of Washington, from the observatory at Greenwich, in England, to be ascertained with the greatest possible degree of accuracy; and that he also be authorized, for that purpose, to procure the necessary astronomical instruments.

They, therefore, beg leave to submit to the consideration of the House, the following resolution:

Resolved, That it is expedient to make provision, by law, authorizing the President of the United States

to cause the longitude of the City of Washington, from the observatory at Greenwich, in England, to be ascertained with the greatest degree of accuracy; and also authorizing him, for that purpose, to procure the necessary astronomical instruments.

In presenting the above report, Mr. PITKIN observed that the object of the committee was to have a first meridian established for the United States, from which computations of longitude might be generally made, that maps, charts, and nautical tables, might not, as heretofore, be calculated from the observatory at Greenwich, or from the varying points of Philadelphia, New York, Washington, or Charleston. Mr. P. dilated upon the advantages of such a measure. Congress would fix upon the place most proper for a first meridian; and, perhaps, as Washington was the seat of Government, it would be as proper a place as any. As the longitude must be taken very exactly, various instruments would be necessary for the purpose of making astronomical observations. As he was desirous that a bill should pass on the subject at this session, he did not move a reference of the report to a Committee of the Whole, but moved that it lie on the table, to give gentlemen time to consider it before he asked a decision on it.

The report was accordingly ordered to lie on the table.

GUNBOATS.

Mr. VAN DYKE said it would be recollected that at the first session of the tenth Congress a law had been passed authorizing the purchase or employment of a number of gunboats, for which purpose a sum of upwards of \$800,000 had been appropriated. It appeared from a report of the Secretary of the Navy that the present annual expense of keeping them in ordinary, was \$64,000. In another report from the Secretary of the Navy, made to a committee of the Senate, it appeared that a number of the gunboats had been built of green materials, and if suffered to remain in service for a year would scarcely be worth the expense of repairing them. Those facts having been ascertained, an attempt was made (unsuccessfully) at the last session to inquire whether it would not be prudent to authorize the President to sell the gunboats or a part of them. Mr. VAN D. said it was now about the close of the session, and, for anything he had yet ascertained, he was not induced to suppose that the whole number of the gunboats would be necessary in any event. If peace was to result, they would be unquestionably unnecessary; if war, and the opinion of the Secretary of the Navy was to be confided in, in all probability a number of them would be found unfit to be employed in the public service. In every view of the subject, Mr. VAN D. said, it appeared proper to him that an inquiry should be made. He moved the following resolution, which he said he presumed would not be objected to by any gentleman in the House:

Resolved, That the committee on our Naval Establishment be instructed to inquire into the expediency of authorizing the President of the United States to sell such of the gunboats belonging to the United

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States as he may judge unfit or unnecessary to be employed in the public service."

Mr. MACON thought this a very good motion as far as it went; but, in order to bring the whole subject of the naval force before the House, moved to amend the motion so as also to include "frigates and other vessels of war." He thought that the more of them were sold the better.

Mr. BASSETT expressed his satisfaction that at length a proposition had been presented to the House on the subject of the Navy, of such a nature as to induce them to consider it; for he had been unable to prevail upon them to take up the report of that committee. It was a duty he owed to the committee to state what attention they had paid to the subject. A proposition for selling such of the gunboats as were unnecessary, had at an early day been before the committee. It had been postponed, however, because it had been deemed proper to see what would be the probable state of things at the adjournment of Congress, before they made a report on the state of the gunboats. The committee had been paralyzed in its attempts to do anything by perceiving that what was already done by it was not attended to by the House. Mr. B. instanced a report in particular on the subject of a marine hospital, which, without requiring any appropriation from the Treasury, was a very necessary provision. As to the frigates, it was absolutely necessary that something should be done in relation to them. Already was one frigate unworthy repair, and the others in the yard were deteriorating at the rate of 30 per cent. per annum. If it was the determination of the House not to repair them, they had better be sold while they would fetch anything.

Mr. VAN DYKE said that as the whole of his motion had reference only to the gunboats, and he did not wish to include any other vessels, he should vote against the amendment, which, however, the gentleman would have it in his power to move at any time in a separate proposition. He was not so fully decided on the propriety of disposing of the frigates as of the gunboats. He quoted the reports of the Secretary of the Navy last Summer, to show the alleged inefficacy and expensiveness of gunboats compared with larger vessels of war.

Mr. MACON said, if he was to search the files, he could find reports of the former Secretary of the Navy decidedly in favor of gunboats. Be that as it might, however, it did not affect the principle of inquiry. The fact was, however, that the gentleman from Delaware was against the gunboats *in toto*. Mr. M. said he agreed with him there, but he would go further. He was opposed also to the Navy, and was willing to inquire into the whole—and there was certainly nothing unfair in this. If the Legislature really meant to maintain a navy, it was time that they should pursue some regular system, and not one year build frigates, and another year gunboats, &c., and the timber for the vessels should be seasoned, so that they should not rot as soon as built. The whole of the vessels forming the

present Navy of the United States, if a few frigates deserved that name, had been built of green timber. Notwithstanding the noise that had been made about frigates, Mr. M. said that when we had a sort of war with France, the first gun fired was from a merchantman (commanded by the elder Decatur) which had been turned into a frigate.

Mr. GOLD observed that it was true that that gentleman might find opinions of the Secretary of the Navy and of other persons in favor of gunboats; the time was when the current of public opinion had run in their favor; but the time had passed, and the gentleman could scarcely find a man now who was in favor of them. There could be no doubt that as to the gunboats some measure of considerable extent was necessary to be taken; but this observation did not apply to all public vessels. He was, therefore, against the amendment.

Mr. SMILIE said it was not an uncommon thing in this House for members to assume as matter of fact what others expressly denied. The opinion expressed by the gentleman from New York might be that which he entertained as to gunboats; but he was going too far when he said it was a general opinion. The House had had opinions in their favor of men better qualified to judge of them than either himself or the gentleman from New York. There had been no opportunity to test their utility. They were never counted upon as a maritime force, but as a defence for our ports and harbors. If any of the vessels were unfit for service, and in such a situation that they could not be repaired without unjustifiable expense, he was for disposing of them, and, therefore, was in favor of the amendment and of the original motion. As to the Navy, he ever had been of opinion that the United States should never think of becoming a naval Power. The Navy had been for many years a sinking fund to the Government without doing the least good, except in the affair in the Mediterranean some years ago. He was not, however, for immediately abolishing the Navy; but as soon as they could with propriety be got rid of, he said it would be for the benefit of the nation that we should not have a single ship of war.

Mr. GOLD called upon the gentleman from Pennsylvania to show a single opinion of any naval man at the present day on the subject of gunboats but what was in opposition to the whole system.

Mr. PICKMAN conceived there could be no objection to the amendment, as the object was merely an inquiry.

Mr. TAYLOR said he was for committing the whole subject, and he believed sound arguments could be produced which would go to convince the House and the nation that the frigates and vessels of war were quite as useless in the present state of the world as the much derided gunboats. As to the utility of gunboats, when the law passed for procuring them, the gentleman from Connecticut, (Mr. DANA,) who was in the habit of making admissions which sometimes drew upon him

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the censure of violent party papers for his candor, had admitted that in shallow water the approach of an enemy might be rendered extremely inconvenient by gunboats, and that they might be troublesome opponents; and more perhaps could not be said of the frigates. Mr. T. appeared to be of opinion that the gunboats and frigates should share the same fate.

Mr. LYON also spoke in favor of the motion, and Mr. Cook against it.

Mr. MACON'S amendment was agreed to, and the resolution, as amended, was agreed to without division.

COMMERCIAL INTERCOURSE.

The House resumed the consideration of the unfinished business, being the bill concerning commercial intercourse, &c.

Mr. NELSON moved to postpone the further consideration of the subject till Saturday next.— Motion lost, yeas 57, nays 66, as follows:

YEAS—Willis Alston, jr., William Anderson, David Bard, Burwell Bassett, Adam Boyd, John Brown, Robert Brown, William Butler, Matthew Clay, John Clopton, Howell Cobb, William Crawford, Richard Cutts, Joseph Desha, William Findley, Jonathan Fisk, Meshack Franklin, Gideon Gardner, Thomas Gholson, Peterson Goodwyn, James Holland, Benjamin Howard, Jacob Huffy, John Love, Aaron Lyle, Alexander McKim, John Montgomery, Nicholas R. Moore, Jeremiah Murrow, Gurdon S. Mumford, Roger Nelson, Thos. Newbold, John Nicholson, John Porter, Peter R. Porter, John Rea of Pennsylvania, John Rhea of Tennessee, Matthias Richards, John Roane, Erastus Root, Ebenezer Sage, Thomas Sammons, Lemuel Sawyer, Ebenezer Seaver, Adam Seybert, Samuel Shaw, John Smilie, George Smith, John Smith, Henry Southard, Uri Tracy, George M. Troup, Charles Turner, jun., Robert Weakley, Robert Whitehill, Richard Winn, and Robert Witherspoon.

NAYS—Lemuel J. Alston, Ezekiel Bacon, William W. Bibb, Daniel Blaisdell, Jas. Breckenridge, William A. Burwell, John Campbell, William Chamberlin, Martin Chittenden, James Cochran, Orchard Cook, Samuel W. Dana, John Davenport, jun., John Dawson, William Ely, James Emott, David S. Garland, Charles Goldshorough, Thomas R. Gold, Edwin Gray, William Hale, Nathaniel A. Haven, Daniel Heister, Jonathan H. Hubbard, Richard Jackson, jr., Robert Jenkins, Walter Jones, William Kennedy, Herman Knickerbacker, Joseph Lewis, jr., Edward St. Loc Livermore, Robert Le Roy Livingston, Matthew Lyon, Nathaniel Macon, Robert Marion, Vincent Matthews, Archibald McBryde, Samuel McKee, Pleasant M. Miller, William Milnor, Thomas Moore, Jonathan O. Moseley, Joseph Pearson, Benjamin Pickman, jr., Timothy Pitkin, jr., Elisha R. Potter, Josiah Quincy, John Randolph, Daniel Sheffey, Dennis Smelt, Samuel Smith, Richard Stanford, John Stanley, James Stephenson, Lewis B. Sturges, Jacob Swoope, Samuel Taggart, Benjamin Tallmadge, John Taylor, Jabez Upham, Nicholas Van Dyke, Archibald Van Horn, Killian K. Van Rensselaer, Laban Wheaton, Ezekiel Whitman, and James Wilson.

The question recurring on the motion to adhere, Messrs. FISK, HOLLAND, LOVE, and MUMFORD, supported the motion.

Mr. GARLAND said it was with extreme reluctance that he rose to address the House on a subject so much exhausted as this was; but he trusted that the extraordinary course which this debate had taken would be his excuse. The opponents to the amendments of the Senate, said Mr. G., appear to consider a disagreement to them as a test of principle and as an evidence of patriotism. Sir, this is a vote respecting the interest of our own country, and not a question connected with our foreign relations. The vote cannot affect our relation to any other nation, because the law which will be repealed if we recede has no effect abroad, nor anywhere except on ourselves. Were any one to read the speeches delivered on this occasion, without knowing the question before the House, they would suppose that our political existence would be prostrated by the passage of the bill as amended. But, sir, what is the bill? It proposes to repeal a flimsy non-intercourse system which you cannot execute, which operates exclusively to the injury of your own citizens, taxing your whole export trade at the rate of at least twenty per cent. Sir, is it consistent with the dignity of the nation to support a system of this kind? Is the nation disposed to corrupt all her citizens and to impose a tax on our export trade for the purpose of rewarding the man who violates your laws, or giving a monopoly to the foreign carrier? I avow here, sir, that there is no man who feels a stronger attachment to his country than I do, my whole life will prove it, and I can manifest it in no better way than by getting rid of such a system as this, which will disgrace her in the eyes of the world. Gentlemen call upon the House to have a regard for the consistency of their conduct. When the nation has discovered herself to be in error in relation to a particular measure, will she not have magnanimity enough to relinquish it, rather than to skulk out of it by letting it expire at the end of the present session? The true question before the House is not beyond a point of patriotism, nor does it involve any great question of national policy. It is merely whether you will rid yourself of this system, or keep it on to the corruption of your citizens. Can any man doubt which of the two to choose? I should think not. If the design be to protect the interests of the country, sir, take something more efficient, and which will be felt by those on whom you wish it to operate. This is not of that description, it is imperfect abroad and oppressive at home.

But gentlemen who support the disagreement of the Senate's amendments tell you that to agree with the Senate would be submission. Where is it to be found, sir? Is it yielding any of the rights of the country to rid ourselves of this obnoxious measure? It is not; it is ridding ourselves of a nuisance which has rendered those vicious who would be otherwise virtuous, by offering temptations too strong for human nature. A hue-and-cry has on this occasion been raised against the merchants. They are like other people, liable to temptation; and if you make it too strong, like other citizens they will yield to it. I have not heard a single gentleman in opposition

to the Senate's amendment attempt for a single moment to justify the non-intercourse system. They say the bill as amended does not go far enough. Sir, if it is good as far as it goes, it is therefore incumbent on us to accept it. On that principle I shall always act. On that principle I voted for the bill as it went from this House, although I considered the restrictive sections contained in the bill as conflicting with the interests of the country, but accepted of it as the lesser evil. I was anxious to get rid of the non-intercourse system, and therefore voted for the bill as it went from this House. As amended it is now more acceptable to me than it was before.

But, sir, if we are to have nothing but a non-intercourse, which is in itself worse than nothing, to protect the declining honor of the nation, we shall be disgraced indeed, as gentlemen seem to think we should be by the adoption of this bill. Restraining our own commerce will not have the smallest effect upon the nation which has most injured our commercial rights—I mean Great Britain. We have a complete intercourse with Great Britain, while we have none with France—and the prevailing opinion is, that when the law is violated by voyages direct to Great Britain, we cannot recover a single penalty from the offender. On the score of consistency, if we mean to preserve our neutrality, we ought for that reason to repeal the law; for it is in force effectually as to France and not as to Great Britain.

I know that many gentlemen entertain the idea that commerce is not essential to this country; that it is a load on the wheels of this Government, which retards its operation. I must differ with gentlemen. I believe there is an intimate connexion between commerce and agriculture; that you cannot promote the interest of the one without also promoting the success of the other; neither can you injure the interest of the one without injuring the interests of the other. An honorable gentleman from Pennsylvania (Mr. SMILE) has said that he would not go to war for commerce. That, sir, is a point for the consideration of the nation, whether we will relinquish the freedom of the seas or not. If it be an object worth contending for, it becomes the nation to make the effort. If it be not worth contending for, why not let commerce go free, as you refuse it the protection which the Government has in its power to give? Regulation and protection should always go together; and if we are determined to abandon our commerce to the depredation of the European world, we should leave it free as possible to take its own way. The Legislature has been, as was observed the other day by a gentleman from New York, legislating on this subject for five years. If you look at the reports of the Secretary of the Treasury, you will see the benefits that have resulted from the legislative provisions on that subject. In 1806, the duty on goods, wares, and merchandise, was upwards of fourteen millions of dollars; it is now reduced to less than half that sum—your commerce has dwindled in the hands of its foster fathers to a mere shadow. And whenever you give up your

commerce to the world for depredation, you also give up your revenue. When therefore gentlemen consider commerce not worthy of their attention, they should reflect that the principal support of the Government has been derived from that source, and that if we abandon it we must resort to loans, direct taxes, or something more unpleasant than the protection of the commercial rights of the nation.

The worthy patron of this bill (Mr. MACON) objects to the bill as amended, because it is not impartial as to Great Britain and France. I have been very much astonished at that declaration, sir. I consider the law as it now operates as partial to Great Britain while it is hostile to France. The repeal of it would leave them to compete in our ports as they could. If either have the advantage, it will be owing to no act of ours, but to their own relative situation. If my supposition be correct upon this subject, that the law is in complete force as to France and that those who violate the law and go direct to Great Britain cannot be punished, it is only nominal as to Great Britain, and I would therefore repeal it as to France. If gentlemen act on their own declarations, they ought to repeal the non-intercourse law.

But the gentleman from Maryland (Mr. McKIM) told us we need not be in a hurry to get rid of this system, because it does not enhance the price of produce. This is matter of opinion—I do not believe that the gentleman's prophecies would be realized. Our produce is taxed at present to a considerable extent for exportation. If that tax is reduced, and we are permitted to carry on a direct trade, will it not advance in proportion as the tax is lessened? It appears to me a self-evident proposition, that if you lessen the expense of exportation, you advance the price of produce in that proportion. That produce has been reduced in price by the operation of this measure, there can be no question. What has been the fact in relation to it since this bill has been before the House? Whenever there has been a prospect that you will rid yourself of this obnoxious non-intercourse, the price of produce has been enhanced. No matter what may be the effect in Europe—if you can advance the price of produce in our own market by taking off this restrictive system, you ought to lose no time in repealing it. But gentlemen are willing to have this law still in operation, which has cost the nation a million and a half of dollars per month ever since it has been in existence. If their patriotism can reconcile this, they have different feelings from myself. You cannot execute a partial non-exportation law. Let your vessels go out and they will go to the best market. It is useless therefore to attempt a system of this kind; but I trust the nation is not yet prepared to surrender its rights. I trust there is yet a spark of love of country remaining, and before the Legislature separate, I trust I shall see some system attempted to protect our rights. I will not rely on flimsy paper-measures which are disregarded by foreign nations and reduce us to the humiliating situation of being told by the Minister of a foreign

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nation that he is sorry for our condition. When we have the means of protecting our rights, and can use them, shall we retain a system which operates not on our enemies and wholly on ourselves, and which as a measure of resistance is feeble, weak and inefficient? I hope we shall not.

A motion being made to adjourn, the House refused, (at 4 o'clock,) yeas 60, nays 62, as follows:

YEAS—Willis Alston, jr. David Bard, William W. Bibb, Adam Boyd, John Brown, Robert Brown, William Butler, Joseph Calhoun, Matthew Clay, John Clopton, Howell Cobb, James Cochran, Orchard Cook, William Crawford, Richard Cutts, Joseph Desha, Jonathan Fisk, Meshack Franklin, Gideon Gardner, Thomas Gholson, Peterson Goodwyn, James Holland, Benjamin Howard, Jacob Hufty, Richard M. Johnson, John Love, Aaron Lyle, Samuel McKee, Alexander McKim, Pleasant M. Miller, John Montgomery, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, Gurdon S. Mumford, Roger Nelson, Thomas Newbold, Thomas Newton, John Nicholson, John Porter, Peter B. Porter, John Rea of Pennsylvania, John Rhea of Tennessee, Matthias Richards, John Roane, Erastus Root, Ebenezer Sage, Thomas Sammons, Ebenezer Seaver, Adam Seybert, Samuel Shaw, John Smilie, George Smith, John Smith, Henry Southard, Uri Tracy, George M. Troup, Charles Turner, jr., Robert Whitehill, and Richard Winn.

NAYS—Jemuel J. Alston, William Anderson, Burwell Bassett, Daniel Blaisdell, Jas. Breckenridge, William A. Burwell, John Campbell, William Chamberlin, Martin Chittenden, Samuel W. Dana, John Davenport, jun., William Ely, James Emott, William Findley, David S. Garland, Charles Goldsborough, Thomas R. Gold, Edwin Gray, William Hale, Nathaniel A. Haven, Daniel Heister, Jonathan H. Hubbard, Richard Jackson, jr., Robert Jenkins, Walter Jones, William Kennedy, Herman Knickerbacker, Joseph Lewis, jr., Edward St. Loe Livermore, Robert Le Roy Livingston, Matthew Lyon, Nathaniel Macon, Robert Marion, Vincent Matthews, Archibald McBryde, William Milnor, Jonathan O. Moseley, Joseph Pearson, Benjamin Pickman, jr., Timothy Pitkin, jr., Elisha R. Potter, Josiah Quincy, John Randolph, Daniel Sheffey, Dennis Smelt, Samuel Smith, Richard Stanford, John Stanley, James Stephenson, Lewis B. Sturges, Jacob Swoope, Samuel Taggart, Benjamin Tallmadge, John Taylor, Jabez Upham, Nicholas Van Dyke, Archibald Van Horn, Killian K. Van Rensselaer, Laban Wheaton, Ezekiel Whitman, James Wilson, and Robert Witherspoon.

Mr. EMOTT said if any apology should be thought necessary for his rising at such a late hour, he hoped it would be found in the importance of the subject under discussion. It was not his intention to consume much of the time of the House, and he should not have taken a part in the debate, but from the consideration that he could present a few ideas which appeared to him material towards a correct decision, and which had not been noticed. Many gentlemen have talked so much of England and France, that they have almost forgotten that we are legislating for our own country. If we pass or reject the bill on your table, it should be to advance the interest of America; its bearing on either of the belligerent Powers is a secondary and minor consideration.

In order that he might be the better understood, he said, he would commence by recalling the attention of the House to the bill with its provisions, and state the points wherein the two branches of Congress differed.

The bill as it originally went from the House of Representatives had four different provisions.

1. It contained a repeal of the non-intercourse law.

2. It interdicted British and French armed vessels from entering our harbors.

3. It interdicted the entrance into our waters of British and French merchant vessels, and so far was intended to give the export trade of the country to our own ships.

4. It prohibited the importation of British and French goods except in American registered vessels laden at the place where the goods were manufactured—the attempting to secure to our ships our import trade.

The three last provisions were limited to the end of the next session, and in the mean time were placed under the control of the Executive, who, on a revocation or modification of the edicts of Great Britain and France, was at liberty to declare the prohibitions at an end.

As the bill comes from the Senate the two last provisions and the limitation are stricken out, and it now stands a naked, unqualified repeal of the non-intercourse law, and a permanent interdiction of British and French armed vessels. We are now called upon to decide whether we will pass the act thus modified, or destroy the hopes of the country by adhering to the part expunged by the Senate.

The bill as it now stands is by no means unobjectionable, but after the consideration which I have given it I am prepared to vote for it. A limited or qualified interdiction of the armed vessels of Great Britain and France may be proper, and during the continuance of the war it is a measure of which perhaps they ought not to complain. A permanent regulation of this kind is, however, without precedent and will probably call for retaliation. If the system is pressed back on us we shall certainly be the sufferers.

We have for many years had a naval force in the Mediterranean Sea to protect our commerce against the Barbary Powers, and we have now on our tables bills which I presume are entitled to be acted on for granting convoys to our merchantmen, bound to Europe. If our armed ships are denied the rights of hospitality in European ports, if they cannot obtain an ounce of meal or a draught of water when they arrive in Europe, it is rather difficult to understand how they can make these voyages or remain on foreign stations. Such must be their situation if France and Great Britain, and the Powers dependent on or connected with them, adopt a retaliatory system.

What are the benefits to result from the provision? As it respects France, her armed vessels are not frequently seen on this side the Atlantic, and, therefore, I presume it is not particularly aimed at her. With respect to Great Britain, we are to recollect that she has, both to the north

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and the south of us, safe and convenient harbors in abundance, where her vessels may stop and refit and be provided for. This regulation will not, therefore, prevent her ships from approaching our country or hovering on our coasts. We are, therefore, provoking a war of restriction and inhospitality from which we have little to gain and may possibly lose much.

But notwithstanding these objections, so strongly do I wish the repeal of the non-intercourse laws, and such I know are the sentiments and expectations of the country on this subject, that I am willing to take the pill, unpalatable as it has been made.

But it has been urged that the bill has been stripped of everything valuable, and ought not in its present decrepit and deformed state to be countenanced. I must beg the attention of the House while I pass in review the highly prized provisions which are so pertinaciously adhered to. I shall be much disappointed if it does not appear that their value has been overrated.

In their most perfect form, and without any impediments or countervailing regulations on the part of the European Governments, the provisions which have been negatived by the Senate, may confine the American import and export trade to American vessels.

That to a certain degree our own ship-owners and ship-builders ought to be encouraged, will not be denied. We not only by it give employment to a useful set of men, but the community at large are benefited. If we depend on foreigners to carry away our productions, we would not only give a monopoly to certain European nations, as, for instance, to the British during the present war, as their vessels only can reach our coast, but our sales would not be as profitable or as certain. Our merchants in our own vessels seek the best market, and can, therefore, give the best prices. And the farmer or planter sinks in his sales but one profit and one freight.

This encouragement is already given in our protecting duties, and so effectual have they been under the fair conduct of our merchants that foreign ships seldom enter our ports. But this encouragement may be carried too far, and it may well be doubted whether by driving foreigners absolutely out of market we are not prejudicing one set of our citizens for the exclusive advantage of another. Whether by absolutely prohibiting everything like competition with our ship-owners, and thus allowing them to make their own freight, we are not unduly sacrificing the agricultural to promote the shipping interest.

But is this the regulation necessary to protect or to foster our shipping interest? As to French vessels it certainly is not required, as no French merchant vessels are found in our seas. If it has any operation it must be on the British, and so it seems to be understood. We have no document before us from which we can gather with certainty the exact amount of British tonnage employed in our trade, but we have such parts as will enable us to come pretty near the truth. It is stated

that the whole foreign tonnage employed in our trade is somewhere between forty and sixty thousand tons.

When it is understood that the British vessels which enter our waters are principally coasters coming from Nova Scotia with plaster of Paris, and other bulky articles, and that the same vessel arrives several times during the same year, and thus swells the list of tonnage, without adding to the number of ships, it is a fair and safe calculation that the actual amount of British shipping employed in our trade does not exceed and probably does not amount to 8,000 tons. Thus then the French have no ships to be excluded, and the English but forty or fifty vessels, of the smaller kind. This is indeed a small item in the amount. The addition of a few small craft will certainly be of no great advantage to our ship-builders, and our farmers (I speak particularly of the country which I have the honor to represent) will be seen to suffer by the interdiction of these Nova Scotia coasters, either from the scarcity of plaster, or the consequent advance on its price.

But it is said that want of employ elsewhere will greatly increase the British shipping in our trade, that being wholly excluded from Continental Europe by the French decrees, the tonnage formerly employed in the European trade will be turned towards this country, and that, therefore, the interdiction is necessary for the protection, perhaps the existence, of our shipping interest. Is there any danger of this? Those who think so, reason on the French decrees as many formerly reasoned about the embargo: they regard them in the abstract as being a complete barrier to the introduction of English goods on the Continent, and an actual inhibition of all intercourse with the British. In the same manner gentlemen believed that our embargo would prevent our productions finding their way to England, and keep British goods out of the country. But such was not the effect of our embargo, and such assuredly is not the practical effect of the French decrees, nor will it ever be. As soon as our people began themselves to feel the effects of the embargo by the pressure and the losses it occasioned, our productions found their way out and to Great Britain, and if, during the continuance of the embargo, there was a scarcity of English goods, it was assuredly an artificial scarcity created by the dealers to enhance their prices. The trade between the two countries was kept up, though carried on in a different manner and by different men. Such too has been the effect of the French decrees, and, according to the opinion of practical statesmen, such will hereafter be their operation. They may change the old channel, but the stream cannot be pent up; it must and will find its way out.

As the effect of the French decrees and the state of British commerce have such an intimate connexion with this subject, and have accordingly been strongly insisted on in the discussion of the bill, we are bound to look them fully in the face, and I will, therefore, proceed to view them a little more in detail.

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In the first place, I remark that the wants of the people on the Continent must be satisfied and are at war with the regulations of the French Emperor. In that quarter of the world as in this the people have surplus productions which they have been in the practice of exchanging for the articles of other countries. The articles taken in exchange are actually or from habit necessities which the people cannot do without, or do not wish to be deprived of. And if a vent cannot be found by the continental nations for their surplus productions, they become of no value and are lost to the owner. When we find commercial regulations thus at variance with the wishes, the interests, and the wants of a people, they will most assuredly be evaded unless enforced by the hand of Omnipotence.

Again, the French decrees are enforced by fear and not from inclination. Does any one believe that in Austria or Prussia or Sweden or the Hanse towns, these regulations have been received with favor, or have been adopted from any other motive than fear of the French Emperor. When this is the case, when a Government is compelled, at the command of a powerful neighbor, to adopt a system of commercial restriction which impoverishes the country and is counter to the feelings and habits of its subjects, if the commerce is not secretly permitted, much pains will not be taken to prevent it. As a proof of this we have only to turn our eyes on Holland, a country bordering on modern France and ruled under Napoleon by his brother. Yet in this very country a trade with England is carried on to such an extent, that we find the Emperor not merely complaining of it, but threatening for that cause alone to annex Holland to his empire. If such is the fact in Holland, what must the case in other Kingdoms farther removed from France and not ruled by any of the Bonaparte dynasty?

Once more, from the state of the European world it appears necessarily to result that British navigation will not speedily decrease. All Europe is in a state of war, and there is scarcely a merchant vessel afloat which does not belong to Great Britain. It seems to follow that the continental nations must have recourse to British shipping to carry away and barter their surplus productions.

Do we want any proof of the flourishing state of British commerce and navigation under the French decrees? We have it I think in abundance. We have it in the daily accounts of arrivals in England of large fleets of merchantmen from the Baltic, a sea surrounded by nations who on paper have adopted French regulations. We have it in the list of vessels from Holland, a country which has not only incorporated the French decrees in its laws, but which is in a state of open actual hostility with England, and yet the ship news has announced the arrival of not less than twenty merchantmen from that country in a single port in England in one day. We have it in the licenses which are openly granted by the British Government to its subjects to trade with the Continent, and indeed with France it-

self. If the French decrees really sealed up the Continent against the British, as many seem to imagine, it is strange that the merchants, who generally understand their own interest, would solicit those licenses, or that the Government would grant them.

If we want farther proof we have it in the price of British goods, which the dealers in them say are on the advance, and which shows that the demand for them is not decreasing. But above all, we have it in that best of mercantile thermometers, the receipts of the customs. From the late English papers, it appears that the British customs for the last year have gone much beyond the financial estimates, and that they exceeded the receipts of the former year upwards of one million six hundred thousand pounds sterling or more than seven millions of dollars.

But there are still farther reason for believing that the British shipping will not soon want employment. Let it be recollected that almost all the French and Dutch colonies in both hemispheres have changed masters, and that their productions, which formerly gave activity and profit to so many neutrals, are now carried by the English. The extent and importance of this trade is well known in this country; it has for many years been a standing topic of discussion in this House, and our official papers, as well as public prints, have evinced the vast injury done us by the British in their attempts to circumscribe and fetter it as carried on by neutrals. Let it also be recollected that the war, as it has been conducted by the French Emperor, has thrown open to the English the Spanish and Portuguese possessions in South America, which embrace almost the whole of that continent. The trade of that country is now carried on almost exclusively by the British, and has therefore given much additional employ to British shipping.

Let us then banish the idle apprehension, if indeed we entertain it, that the British will attempt to rival us in our ports and in our own trade because they want employment elsewhere. The thing, under existing circumstances, is altogether improbable. Besides, let me ask gentlemen, if they have apprehensions on this subject, whether it is not in time to provide for the evil when we are sure it is approaching? We ought not to legislate on a possibility so remote, on an event which, though some may fear, no thinking unprejudiced man expects.

That these regulations are unnecessary is also proved by a recurrence to our situation at the commencement of our restrictive system. British merchant vessels were then at liberty to enter our waters, and yet all our ships and sailors had employ; it was not then believed or suggested that English enterprise exceeded American enterprise, or that the British could rival us in our trade and in our own waters. The class of citizens interested in shipping require nothing more from us than to be placed where we found them; no aid of ours has been asked or even hinted at and if we do thus gratuitously interfere, believe me, sir, they are to suffer by it.

If, however, an American navigation act is necessary or desirable, is this such an act; or will the provisions struck out by the Senate, if they could be reinstated, benefit the navigation interest? This is an inquiry of some importance, for if it shall appear that the system is altogether worthless, gentlemen who have taken this ground for adhering to the original proposition, and by this means continue the non-intercourse, will consent to take the law as it now stands. The bill, as it just came into this House, was said to be a substitute for the non-intercourse, which was a substitute for the embargo. This system of substitution has not the appearance of stability. If this bill had passed, those who knew its progenitors, and recollected their sickly and disordered state, would not calculate on long life to the child.

We are to bear in mind too that the commercial or navigation provisions were to expire by the very terms of the law with the last day of the next session, which might be prior to and could not go beyond the fourth day of March, and that they could be annulled by the Executive before that time, in case he made arrangements with the belligerents. Is it possible to conceive that these temporary, uncertain regulations can benefit the shipping interest, or that any man would be idle enough to build a single vessel in consequence of this ephemeral system? Let us not deceive ourselves, this is not a navigation act.

But is there not danger that the bill might have the effect of destroying the very interest which we profess by it to encourage? What, let me ask, would be the effect of a retaliatory regulation by the British? It is said, indeed, that there is no danger of retaliation—perhaps not. Indeed the advantage which the British would receive under this law would probably render it a favorite with them; for, if I mistake not, in connexion with the French decrees and the French practices under these decrees, it will make Great Britain our warehouse and her people our factors, and this is one reason which induces me to vote against the bill as it went from this House. But as to retaliation we are to recollect that Great Britain is much governed by her own interest, and if she sees her interest in it, we must expect that she will retaliate.

Put the case that the English adopt corresponding regulations, that they prohibit any exports or imports in American vessels, what will then take place to the operation of this system? Some gentlemen who are friendly to the restrictive regimen appear to think that it will give an embargo more effectual than the former, because it will be enforced by the British navy. But it will not be an embargo. The few last years have afforded us some experience on this subject. Notwithstanding our restrictive regulations, our productions found their way out of the country, and British goods found their way in. Such assuredly would be the case if these conflicting systems were put in operation. Our productions would be deposited in Amelia island on the South, and Nova Scotia and Canada on the North, to be car-

ried away by the British vessels, and the British merchants would have there a supply of goods which would find their way into the country by stealth and smuggling.

In such a state of things what would become of the shipping interest? Is it not obvious that our ships and sailors would be permanently thrown out of employment, and that all our trade would be carried off in British bottoms, the thing we appear to be so solicitous to guard against? And what would render our situation the more intolerable and oppressive, is, that we would not have it in our power to shift off this system as we did the embargo. It must continue not merely as long as we choose, but during the pleasure of Great Britain, for we must bear in mind that if she does not lead the way in these "navigation" projects, but treads in our own footsteps, we shall have no just cause to complain, either of the commencement or the continuance of the system by her.

Nor will the evil be confined to the shipping interest; it will be felt by every portion of the community, and particularly by our farmers and planters. We know that one of the effects of the restrictive system, is to enhance the prices of European articles, and that we are now taxed severely by it. Again: while our farmers are paying an advanced price on the articles they purchase, they must, as they now do, sacrifice their productions. The merchant who will undertake to send off the productions of the country, must do it at much expense and trouble, and will require a profit not only equal to his capital and the risk, but so as to enable him to pay the freight of his vessel both out and in, as she must return empty. The prices at the place of deposit will necessarily be low, as there will be many sellers and few buyers, and the second purchaser will expect another profit, equal to another freight in and out, as well as compensation for his time and trouble, and as an advance upon the capital he employs. All these profits must come out of the pockets of the farmer, as they so far lessen the price which he obtains. Is not all this verified by late experience? While American articles were scarce and dear in Europe, was the farmer at all bettered by it? On the contrary, was he not driven to sell his productions, if indeed he could sell, at a great sacrifice and at very reduced prices?

Without going more into detail I am satisfied that the provisions of this bill which have been struck out by the Senate are not called for by the situation of our country, or by the true policy of this Government, and that their operation, if enacted, might be ruinous to our commercial and agricultural interest: and I trust that the gentlemen on the opposite side of the House, who have by their votes declared a willingness to get rid of the non-intercourse by passing this law encumbered with these provisions, will consent to take it without them.

Some gentlemen, however, appear unwilling to repeal the non-intercourse law without a substitute, inasmuch as they think they see in such re-

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peal, submission to the decrees of France and England, and a censure on those who favored the restrictive system. This system many yet profess to believe would have been altogether sufficient for the purposes of coercing the belligerents, if it had not been evaded. I will not take up the time of the House in examining what in an unknown state of things might have been the effect of the embargo or the non-intercourse on France or England. With respect to our own country, nothing happened but what might have been foreseen. Whenever, by an unlimited embargo, you throw a vast number of your citizens out of their usual employ, and render the surplus productions of many others useless, it is in human nature to evade the law if it can be done. Want and ruin are deadly enemies to that kind of patriotism which would lead to an observance of such a system. Gentlemen may if they please charge the evasions of the embargo to a particular denomination of politicians, but you and I, Mr. Speaker, know better. In this respect we were indeed all Federalists and all Republicans. Persons of every political church were equally concerned and equally active in the evasions.

But why delay the repeal of the non-intercourse until we can hit upon a substitute? And what is to be the substitute? When we talk about submission, do we believe that the non-intercourse is resistance? Are we not well satisfied by this time that the system is only injurious to ourselves, and have we not been told by the Secretary of the Treasury that the law is "inefficient and altogether inapplicable to existing circumstances?" Let it therefore be done away as speedily as possible. When gentlemen can agree on a substitute, let it be brought forward as a distinct proposition, and the House and the nation will judge of it. Indeed, sir, I dislike the involved mode of legislating which has been attempted in this case. When the embargo was to be done away, its repeal was chained to the non-intercourse; and now, when the non-intercourse is to be expunged from our statute books, its repeal is linked with a supposed navigation law. This kind of connexion is too much like making a lot of goods which never before came together, that the good may carry off the bad.

I am aware that some gentlemen wish to procrastinate the repeal of the non-intercourse, because they expect information from Europe; but what information do they expect? Is it a repeal of the obnoxious orders and decrees? If so, the passage of the bill can have no influence, as the law cannot reach Europe until after the repeal. Is it necessary to hear how the British will receive the dismissal of their Minister? We have already heard enough to satisfy us on this head. If the British Cabinet, after a view of the subject and during the period when their determination might be the result of passion, did not think of hostilities against us, do we yet expect a war with England? Why then delay the repeal?

Are these not reasons which should induce us to act promptly on this subject? Every day we

suffer to pass while the country remains thus shackled and bound, adds to the losses of our revenue, and I need scarcely add that our Treasury is not now in a situation to bear losses. It is well ascertained that there is now at Amelia island and at Nova Scotia and Canada, great quantities of English goods which are run into the United States, and this smuggling will continue and increase as long as an open entry is prohibited. It is not practicable to ascertain the extent of this illicit trade, but the amount of duties which we have lost by the non-intercourse since the commencement of the session, and since the Secretary of the Treasury recommended the "immediate attention" of the subject to us, is certainly many hundred thousands of dollars.

But the injury is not confined to the Government; the merchant and the farmer are groaning under this heavy load. It is true that the restrictive system has almost produced a revolution in our mercantile men and in the manner of conducting business. But there yet remains some of our old traders who, believing from the introduction of this bill that it was the intention of the Legislature long since to have removed this deadly incubus, have made up cargoes for exportation. I dare not say how much I have been informed has already been sunk by these merchants, who regard your laws and deserve your protection, as the amount would appear scarcely credible, but I may say that the mere demurrage of vessels actually laden and ready for sea, and which wait the repeal of the non-intercourse, is not less than eighty thousand dollars each day, and is probably much more.

The losses to the farmers are equally serious. The period has arrived when the persons engaged in agriculture who are not large capitalists must dispose of their produce, as well to satisfy the demands of the last year, as to provide for the exigencies of the present. It is a duty we owe these people to give them the best market in our power, and it is a duty we will perform unless we mean to press them to madness. If it is supposed that the repeal of the non-intercourse will not afford them better prices or a surer sale, I will simply point to what has happened while this law has been pending. Do we not know that produce has risen and fallen as it appeared by the proceedings of Congress that this bill would or would not pass?

But I will not longer trespass on the patience of the House, as I fear that my anxiety on this subject has already carried me too far. I conclude therefore with observing, that I shall vote against adhering, and for the bill as it now stands; and with a wish that the House may recede. I have done.

The House then adjourned, (at 5 o'clock,) yeas 74.

THURSDAY, March 29.

A motion was made by Mr. DAWSON, that the House do come to the following resolution:

Resolved, That provision ought to be made by law for the classification of the militia of the United States

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according to age, and for arming such as may be called into actual service.

The resolution was read, and committed to the Committee of the Whole on Monday next.

The SPEAKER laid before the House a letter from the Postmaster General, transmitting two reports in obedience to the resolutions of the House, of the fourteenth and twentieth instant; which were read, and referred to the Committee of the Whole to whom is committed the bill to establish post roads.

Mr. CLAY, from the committee on that part of the Message of the President of the United States respecting the organization of the militia of the United States, reported that the committee were of opinion that it would be improper at this time to innovate on the present militia system of the United States.

Mr. CLAY moved to recommit the report with instructions to report a bill for classing the militia according to age, and providing to arm such of them as may be called into public service.

Mr. PITKIN made a motion which superseded this motion, viz: to commit the report to a Committee of the Whole.

The latter motion was agreed to.

A message from the Senate informed the House that the Senate have passed two bills, entitled "An act authorizing the sale and grant of a certain quantity of public land to the Chesapeake and Delaware Canal Company;" and "An act authorizing a subscription on the part of the United States to the stock of the Ohio Canal Company;" to which bills they desire the concurrence of this House.

BANK OF THE UNITED STATES.

Mr. TAYLOR said it would be recollected that several projects on the subject of the Bank of the United States had been offered during the present session, some of this House, and one of the Senate, in the form of a bill now laid on the tables of the members. Some days ago, (said Mr. T.,) one of the plans for constituting or raising a bank of the United States, which had been committed to a Committee of the whole House, was by the original proposer removed from the Committee of the whole House and referred to a select committee. He said he believed it all important to the nation that the project which should be most advantageous should be presented to the decision of the House; other projects were now perhaps in a train for being offered in detail, and it would probably be found that the renewal of the charter of the Bank of the United States would be the most advantageous course. He would not now express an opinion one way or the other, but rose for the purpose of advocating fair play by giving the House a choice of plans. With that view, and to give all the proposed plans an equal chance, he moved that the Committee of the Whole should be discharged from the further consideration of the report of the committee on the memorial of the stockholders of the Bank of the United States, and to refer it to a select committee, with a view to report a bill.

The question on discharging the Committee of the Whole from the report was carried without a division.

On the question to refer the report to a select committee,

Mr. LOVE supported the motion, because he felt convinced the House would with difficulty, if ever, come to a decision on a plan, if the discussion commenced on a resolution, and was afterwards to be repeated on a bill.

Mr. BASSETT was opposed to the reference. He thought the House ought to try the question on principle before they entered into any details.

Mr. TAYLOR said his only object was fair play. The Senate would with their bill anticipate the House; and though their plan might not be deemed the best, the regular troops had before now defeated the militia and might again. He only asked the same indulgence as had been accorded to the proposition of the gentleman from Virginia (Mr. LOVE) a few days ago.

Mr. GHOLSON thought this reference would operate as a delay; for if a discussion of any bill on the subject of a bank was pressed, the House would be told the subject was yet before a committee and that they ought to wait for its report.

Mr. QUINCY spoke in favor of a commitment.

Mr. LOVE said he had moved the reference of his proposition to a select committee, because he believed it would be practicable to report a bill which would not conflict with any Constitutional provision. He did not agree, however, that the proposition to commit this was precisely of a similar nature with that which was agreed to in relation to his. The difference was in this: that in the present case a Constitutional difficulty occurred on the face of the proposition, and which could be decided without seeing the details of a bill, whilst the same objection could not apply to a general proposition for a national bank, for till its features were presented in the detail, the objections to it could not be known.

Mr. PITKIN was for commitment. He wished to see the conditions on which the charter was to be continued. He did not say what all the conditions should be, but one must be, in his opinion, that the individuals should pay a handsome sum into the public Treasury; that the United States should have the benefit of the renewal, and that it should not be put into the pockets of individuals. His vote might be governed by the sum to be given, and therefore he wished to see the plan in detail.

Mr. GOLD expatiated on the inconvenience which would result from a double discussion, first on a resolution and then on a bill. He did not conceive, with Mr. LOVE, that the question would be on a simple renewal of the present charter of the Bank of the United States, but that an extensive revision and modification of the former system was contemplated. It was indispensable that the subject should be presented as much in detail as possible. The House would not at all commit itself by voting for this motion.

Mr. DANA said that he had rather that the whole question as respected both propositions

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should have been agitated in Committee of the Whole. If those whose business it was to administer the affairs of the Government said that the business of the Government could be conducted without a bank, and that they would undertake to do without it, Mr. D. said he was willing to let the whole go. He thought there was an incongruity in having the subject of banks referred to two distinct committees, as they would probably be continually carrying on war on the frontiers of each others provinces.

Mr. MACON said it was but fair to give both projects the same course. He had no fear of collision between the two committees. He recollected indeed once a contest between the military and naval committees, to which of the two the gunboats belonged; but the same subject was often before two different committees without producing difficulty; as for instance, the two convoy bills were reported during this session by different committees. It was perfectly fair he thought, to refer to one committee the question whether the charter of the Bank of the United States should be renewed, and to another the question whether a bank should be established on altogether a new plan.

The motion for reference to a select committee was carried.

Messrs. TAYLOR, MUMFORD, PITKIN, J. PORTER, GRAY, HOWARD, and COOK, were appointed, with instruction to report by bill.

EMBARGO PENALTY.

The House resolved itself into a Committee of the Whole, on the report of the Committee of Commerce and Manufactures on the petition of Anthony Buck.

[The case of the petitioner is nearly this: He resides in or near Fredericksburg, Virginia, and sold a cargo of flour to a person coming from an Eastern State, with a permission to import flour for consumption. When this person was about to clear out with his cargo, it became necessary that he should give bond and security to land it in the United States. Knowing no other person in that country, Mr. Buck became his security. He evaded the embargo law, with the cargo of flour, and left Mr. Buck to pay the penalty. His papers (permission, &c.) were acknowledged to have been genuine. Mr. Buck prays to be released from the penalty. There are the strongest testimonies in his favor, and the Secretary of the Treasury reports his belief in his innocence of any design to aid in or connive at the violation of the law. The question is, shall his penalty under these circumstances be remitted? The Committee of Commerce and Manufactures report the following resolution: "*Resolved*, That the prayer of the petitioner is reasonable and ought to be granted."

Messrs. NEWTON, MACON, and TAYLOR, opposed the report, and Messrs. DAWSON, RANDOLPH, DANA, BURWELL, NELSON, and KEY, supported it.

The report was agreed to in committee, reported to the House and concurred in.

On motion of Mr. RANDOLPH, the resolution was referred to a committee to bring in a bill.

COMMERCIAL INTERCOURSE.

The House resumed the consideration of the unfinished business of yesterday, to wit: the question, on the motion of Mr. MACON, that the House do adhere to their disagreement to the amendments of the Senate to the bill, entitled "An act respecting the commercial intercourse between the United States and Great Britain and France, and for other purposes."

A division of the question was called for by Mr. DANA, when Mr. SPEAKER decided that a question to adhere is not divisible.

Mr. BOYD.—Mr. Speaker, without any apology I will observe that I am unwilling to take this question without discharging that duty that I owe to my constituents, my country, and myself. I consider adhering to this bill as very essential, because, if it should not be carried, the bill as amended by the Senate will be agreed to, and that I consider as absolute submission to the British orders and French decrees. I shall offer no apology for the time that I shall occupy in giving my sentiments on this important occasion, as I consider every moment spent at this stage of the business as so much time redeemed from ignominious submission to foreign Powers, from a surrender of our national rights, which I am not disposed to make—I never have and I trust that I never will.

I wish to make some observations on what a member from Massachusetts (Mr. COOK) has told you. He has said that the non-intercourse is a dead letter, nay, worse than nothing, worse than a dead letter. Now, sir, is this so? I have learned that a living dog is better than a dead lion. That gentleman says that no person regards the non-intercourse; that all our ships are going out without the least regard to the law, and then asks for what will you continue it? To the embarrassment of your merchants? Their ships are loaded and ready to sail, and now waiting your decision at great loss and damage! Now, Mr. Speaker, both those propositions cannot be true—one of them may be, the other must be incorrect. I am led to believe they both are, to a degree. But suppose it to be as the gentleman first stated (which for the honor of my country I hope it is not)—then let me ask of that gentleman where he finds that extensive suffering which he states with such sympathy and feeling? And how are prices depressed?

On the other hand, if our ships are waiting, and not going contrary to law, and in disregard of it, then the law has effect—and what is the operation of it? Gentlemen say that embargo, non-intercourse, and Mr. MACON's bill, (with his leave,) as it is called, is all wrong, and injurious to none but ourselves, and injurious to ourselves to a great degree. And the gentlemen from the other side of the House say that we ought to abandon all restrictive measures, undo all you have done for eight years past, take away your destructive regulations, let the merchants do their business in their own way.

Mr. Speaker, permit me to take a retrospective view, and it may be that we shall discover

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in what the weakness and the wickedness of those measures consist. We will first state the repeal of a number of unnecessary taxes, a purchase of the free navigation of the Mississippi, the payment of the money borrowed by those gentlemen at eight per cent., and in one word, the payment of about thirty-five millions of national debt; and our faithful First Magistrate, ever watchful to our national interests, discovered that the British Government was about to issue their Orders in Council, and recommended an embargo. It passed, and an immense quantity of American property was saved from their piratical grasp. Are these the acts that those political gentlemen wish undone, or that they wish had never passed, and which they so much regret as ruinous to ourselves only? I think that those laws were effective and good, notwithstanding that they operated against the claim of the British King, which some men amongst us seem to respect so much. I owe him none, nor any of his minions, and so long as God shall spare me, I will not pay him any respect. No, sir, I feel the pulsations of a freeman. But now let us see how this all-desirable free trade will operate. I am led to think that the sufferings so much presumable have no foundation. The present prices are much above the peace prices. We will pay a little attention to the matters of fact. Perhaps it may throw some light on the subject. I allude to the examination before the British Parliament of one of the house of Baring and Co., under oath, with several others.

"Question. Are you in the habit of making shipments to America? A. I am. To what amount? three hundred thousand pounds annually. Do you continue your shipments? I do not but to a very small amount. Why do you not? Because it will be out of the power of the Americans to make remittances, by reason of the Orders in Council and the embargo. If the embargo in America was taken off and the Orders in Council continued, would you not then make your usual shipments? I would not. What is your reason? My reasons are, that, shut out from the Continent as we now are, the Americans could not make payment. Not if the embargo was removed? No; for if the whole of the American shipments to Great Britain were confined to our own markets, as it now is by the Orders in Council, so far from being a remittance I conceive that it would not pay for the freight; I would not pay the freight for it. Explain that if you please. I will—America ships tobacco, cotton, flour, fish, &c., about one-third part of which, or not so much, is consumed in these Kingdoms; two-thirds we ship to the Continent. From thence we have our remittances. I have had some lately, and unless we are permitted to do so, the Americans cannot pay for half their imports from us. And why cannot you do so now? The Orders in Council forbid; we can make no shipments."

In this statement, sir, I may not be perfectly correct, as I speak from memory only. Now, Mr. Speaker, may I be permitted to ask upon what principle we are going to set afloat all the exportable produce of America, and to what country, if gentlemen please? To Britain and France with their orders and decrees in force,

and we do not know that the one or the other is repealed? Will not the whole of our produce be shipped immediately for British ports or brought in there as good prize? I ask gentlemen to tell me what price it will bear? The arguments for this unlicensed free trade, as they choose to call it, are preposterous.

Sir, the embargo was laid in wisdom, to save our property from the devouring grasp of the shark of the ocean, and would have answered the most sanguine expectation of the advocates of that measure, if there had not been men amongst us so wicked as to misstate the views of the Administration, and deceive and delude the people, or at least many of them, stating that the whole of those restrictive measures was altogether a matter of false disguise to rear up domestic manufactories at the expense of commerce. In this state of things it became necessary to repeal the embargo and substitute the non-intercourse! And that by the same class is denounced as impolitic, foolish, designing, weak, &c. I will ask what it was that produced the arrangement made by Mr. Erskine? Some say the embargo, some the non-intercourse. Now, sir, let it be the one or the other, or both—they were what, in my opinion, brought Erskine to propose and make the arrangement that was to remove the Orders in Council as they respected the United States. It is true that his master was base enough to disavow the compact. Does that prove the aforesaid laws to be worse than nothing, a dead letter, and that it would have been better had they never passed? I think not. Where, I ask, are you going to ship your flour, tobacco, cotton, fish, and, generally, our products? To Great Britain, in this state of things!

What are you going to leave in the hands of the President? Jackson is dismissed—will they send another Minister? And if they do, what will the President have to negotiate about after your unqualified submission? Has not the famous Jackson told you that his master never will relinquish those great principles? What, Mr. Speaker, are those great principles? Visiting neutral ships, impressing your seamen, compelling them to help to oppress their own countrymen, paper blockades, denying our right to naturalize any of their subjects, as they call them, while they exercise it to all nations! And that rule of 1756, so much insisted upon by them as the law of nations. What nation except those pirates has acknowledged such a right? And again, that no neutral nation shall carry on any commerce between a belligerent and her colonies in time of war, but such as that belligerent allowed in time of peace. Are gentlemen prepared to subscribe to this also? I am not. No, sir, I detest these iniquitous laws and Orders in Council, and tyrannical practices; and our encouraging them in it, which you are about to do. In another point of view it is in contradiction to the spirit of freedom, and our continuing to suffer such privations is inexcusable. What do you do by it? You enable them to keep their population, you take an immense quantity of their

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manufactured goods, you allow them to capture your lawful commerce, pay duty in and out, fill their Treasury, support their navy and their army, whilst one eighth part of the population is composed of paupers—and for what all this? Why, truly, sir, to enable them to engulph the trade of the world and to take your own finances to subdue and supplant you. And does the boon that we are about to confer on them agree with the spirit of freedom and independence? No, sir, it does not; it is helping them to continue that system of oppression, tyranny, and slavery, to their own subjects. At the commencement of the present session of Congress, the President thought it advisable to prepare for the worst by a call for 100,000 militia and 20,000 regular forces, and to man and fit for sea all our ships of war. You have passed some of those laws. May I ask you for what purpose, admitting that all restrictions are taken off? Let those that advocate such absurd measures be accountable for them. For gentlemen to say that they are for more energetic measures whilst they regret everything that has the most distant appearance of resistance conveys to my mind that they look one way and row another. Sir, the liberty of my country I shall always endeavor to support—I will resign it to no one; but, to the utmost of my power, defend it to the end of my days. So much, Mr. Speaker, I thought it my duty to say. I will detain the House no longer.

Mr. GHOLSON said, that upon a subject of so much importance as that under the consideration of the House, he trusted he would be allowed to dispense with the customary ceremony of an apology for occupying a small portion of its attention. The question now to be decided, he said, should be fairly understood by the American people; it is not (as has been most incorrectly stated by gentlemen) whether we shall adhere to the navigation and commercial system adopted some months ago by this House, and sent to the other branch of the Legislature for its concurrence. That system, whether wise or impolitic, is irredeemably lost. The Senate have finally rejected it; it is without our control, and by no vote that we can give can it be reinstated. No, sir, the true question which we are to determine, ought not, must not, and, so far as depends on me, shall not be disguised. It is, whether we shall, conformably with the proposal of the Senate, withdraw every species of opposition whatever to the belligerent encroachments on our maritime rights? Whether we shall repeal our present non-intercourse law without any substitute? And, in fine, whether we shall, in violation of the solemn pledge we have made to our constituents, renew commerce with Great Britain and France, subject in every respect to the operation of their iniquitous edicts? For, sir, the bill, as it is now offered to us, is naked, unconditional submission, to the decrees and orders of those nations. It proposes no sort of resistance. The system which the bill originally contained was said to be too weak, or was in fact too strong for certain gentlemen, and to obviate

this difficulty, the bill is eviscerated by way of amendment, and thus a defective measure is amended by taking no measure at all.

In the early part of the session before the last, when the French Emperor said, if we had any intercourse with Great Britain he would sequester and confiscate our property within his grasp, and Great Britain announced to us that our vessels were, in the first place, to pass under the cannon of her thousand ships of war through her ports, to pay to her a tax on their cargoes, and take from her a license to prosecute the voyage—at that time there was but one sentiment uttered by a vast majority of the national councils, and that sentiment was re-echoed from one end of the continent to the other. It was resistance, to the last extremity, to the decrees and orders; and we heard of war—embargo—non-intercourse—letters of marque and reprisal, or anything but submission. What do we hear now, sir? We have a discourse every day on prices current; cotton and tobacco would be enhanced if they were not obliged to pass circuitously by Amelia island, and other places of entrepot, to Great Britain and the Continent; we must have no more commercial restrictions; non-intercourse must be immediately repealed; substitutes are ridiculed. In fact, sir, so thorough is the revolution, that we now hear of almost everything but resistance to the lawless invaders of our neutral privileges.—Whence this change, so unexpected, so unaccountable? Do you find any apology for it in the redress of our wrongs? No. Do you seek for an excuse in the revocation of the decrees and orders? Not at all. They are still in force. Those of France are executed with more rigor at this time than at any preceding period; and those of Britain, although modified as to the tax or transit duty, and in some other respects, yet would intercept very nearly one-half of our ordinary exports. They still prohibit the ports of France, Holland, and Italy. To what, then, will you refer as a justification for your abandonment of the only ground of resistance you have taken before the causes which led to it have ceased? Sir, this is a question which I emphatically propound to both sides of the House. Gentlemen of all parties united, last Winter twelve months, in the solemn resolve, that “we could not submit to the French and British decrees and orders without a sacrifice of the rights, honor, and independence of the nation.” Now, I put it to the consciences of my acquaintances on the other side of the House in particular, whether, although they may consider themselves absolved as to Britain, in consequence of the modification of her orders, they are still bound to fulfil their pledge as to France, whose edicts remain unmitigated?

I have heard, Mr. Speaker, arguments on this side of the House which excite my unutterable surprise. The very policy which gentlemen have been in the habit of uniformly advocating on this floor, and which has governed the last and present Administrations, is now reprobated by them, with unusual vehemence, as tending to the de-

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struction of the country, as ruinous to ourselves, and inoperative on our adversaries. And, without showing that these denunciations have any foundation in fact, loud appeals are made to the magnanimity of the House, and the immediate repeal of the non-intercourse act is demanded. While gentlemen make this demand, they acknowledge it involves national disgrace. They have the candor to acknowledge that, if we withdraw our present system, and take no other, it is submission! But they tell us we must rid the nation of commercial restrictions, and they will unite in a bold stand, in energetic measures—in conveying, &c. Why will they not first adopt a measure of this sort, and then repeal the non-intercourse? I will go any lengths with gentlemen in defending the rights and maintaining the honor of this nation. When, however, they speak in this style—say to us, we must recede now, and it will not prevent us from taking any other measure hereafter; when they talk, as a substitute of conveying, with a perfect knowledge at the same time, that a bill for that purpose would pass neither branch of the Legislature; when they urge us to surrender our present position before any other is selected; I say that when gentlemen use a language, and are prepared to pursue such a course as this, however pure their motives may be, I for one protest against it, as an unwarrantable dereliction of principle, and as leading directly to national disgrace.

If, Mr. Speaker, this House is seriously disposed to persevere in resisting the aggressions on our neutral rights, let us inquire into the substantial practicable modes of resistance.

We can only resist by war, or in the same manner as we are assailed, to wit, by commercial regulations and restrictions. I think it will be easy to demonstrate that the latter mode, while it is certainly the most natural, is also the most efficient one that can be resorted to by this country, except under very peculiar circumstances. If we resist encroachments on our maritime privileges by war, the war must be carried on either upon the ocean, or by the invasion of the enemy's territory. If the warfare be naval, as it relates to France, it cannot affect her, because she has nothing upon the sea; and, as regards Great Britain, it must be unsuccessful, on account of her naval superiority over the whole world.

Should you, on the other hand, commence war not on the ocean, but against the enemy's territory; as to France, she has no territory within our reach—there is no point of contact between us; and, as to Britain, we would conquer her North American possessions in one campaign; and she would then, in respect to offensive war, be as completely without our reach as France. Supposing, therefore, she should still continue her restraints on neutral commerce after the conquest of Nova Scotia, New Brunswick, and the Canadas, it results necessarily that you can then only oppose her by commercial restrictions in some form. Indeed, after that event, it would be the only practicable opposition to Britain, as it is now most manifestly the only kind of resistance

which we can employ that would produce any pressure on France. The truth is, you cannot, from the relative geographical position of the United States and those nations devise any other permanent policy that can be brought to act upon them. You cannot affect them, nor can they affect you in any other way.

This, sir, is a position in the correctness of which I feel the fullest assurance. And I would ask gentlemen to consider seriously the consequences of assenting on this floor, and giving currency to the mischievous sentiment, that this nation ought to relinquish the system of commercial restrictions. Give up this system, and I pronounce that you, *ipso facto*, sink into submission. You will hold your maritime privileges by the frail, mean tenure of the will of the land and sea-tyrants. Is there anything dishonorable in the system that occasions such impatience under it? It is as old as commerce itself. It has been practised at all times, in all ages, and by all the nations in Christendom. It is at this time pursued by France, Great Britain, and every nation in Europe, for the purpose of counteracting the prohibitory regulations of each other. I would, in very few instances, follow the example of Napoleon; but if he, the most powerful monarch that has ever lived, is, in the present extraordinary state of the world, driven to non-intercourse, and the most rigorous commercial regulations, I can see nothing strange in the adoption of a similar countervailing policy by other nations.

For the United States, the system of commercial restriction as a mean of counteraction against a like policy practised by other nations, is at all times preferable to war. It has, until now, been uniformly so considered in this country, under every Administration; and it is undoubtedly better adapted to our interest, and to the American habits and pursuits, than war. If ever the national domain shall be assailed, or, for any other cause, it shall be decided that war is necessary, you will find a sure resource in the valor and patriotism of this people. But, sir, refer it to the essential part of the community; to the great body of the agriculturists, whether they would, in order to obtain a given end, prefer war or commercial restrictions? We are too well acquainted with the opinions of our constituents not to know what the answer would be.

I will cease to theorize on this subject. It is by the infallible criterion which I admit must determine the propriety or impropriety of every measure, that I wish the wisdom of the policy of this Government, since the adoption of the embargo, to be tested. Let us recur to experience. We will examine what have been the effects of the system of commercial restrictions pursued by this country. Under its operation, Great Britain and France have been compelled to pay enormous prices—in many instances, double and triple—for American articles, while their exports to this country have been cut off; an inconvenience which has been severely felt, particularly by Great Britain. For I would ask, from what other cause can you account for the course of exchange

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against England? It is a fact that money is worth in Amsterdam 20 per cent. more than bills on London. A conclusive proof that England is obliged to buy more than she can sell. By a perseverance in our restrictive system, we have obtained important modifications in the British Orders in Council; the transit duty, or the iniquitous attempt to tax our produce, has been surrendered: the proclamation blockades are, in a great measure, abandoned; certificates of origin have ceased to be causes for the seizure of American vessels; Erskine's arrangement was also evidently the result of the embargo and non-intercourse; and, although that arrangement has been rejected by the British Government, its disavowal was an act, and I will say too, an act of perfidy, over which we had no control. It is very true, that while we were enjoying the benefits of the agreement concluded with Mr. Erskine, we heard no complaints of the measures that produced it. All was then very well, and much praise was bestowed on the Administration. This same system, sir, during the revolutions and convulsions which have rocked Europe to its centre, and the ravages which have razed to their foundations her ancient, venerated institutions, and drenched her fields in blood, has kept us aloof in honorable peace. We are wealthy and prosperous, and our favored country abounds with every blessing.

This system has moreover tended inconceivably to the development of the national resources. It has encouraged domestic manufactures of almost every description, and the mechanic arts have flourished. It has rendered us independent of other nations for the necessaries and comforts of life. It has excited industry and frugality among our citizens; it has given employment to those who were before but idle consumers of the fruits of the productive classes; it has given to the poor comfortable subsistence in workshops; and it has facilitated internal improvements, by the employment of a greater portion of active capital upon roads and canals. Nor has agriculture languished. We are well paid for our surplus produce, and the laborer in every branch of industry is rewarded.

Now, sir, will any candid and unprejudiced man hazard the assertion, that a nation affording so many indications of prosperity, has not been well governed? The position is too preposterous; it cannot and will not be believed. Yet we have it rung in our ears every day, that the people are cruelly oppressed by the Government; that they are wantonly deprived of the benefits of commerce, and that Congress has not magnanimity enough to revoke a measure after it has been found to be injurious only to ourselves. A member who is receiving himself, and whose constituents are receiving a dollar and fifty cents a bushel for wheat, and from five to ten dollars per hundred for tobacco, will rise, and tell you that he and the people in his quarter are so harassed and persecuted by the deleterious measures of Congress that they are almost driven to desperation. What will satisfy these gentlemen? Will they never be contented until we shall sink into

commercial vassalage to Great Britain? I impeach the motives of nobody, but can you refer to the emotions of patriotism for declarations like these? For the unmerited and unfounded censure and abuse that are heaped upon our own Government while engaged in a just contest with foreign nations?

Permit me to inquire, sir, what benefits we should derive from a surrender of the ground we have taken against the decrees and orders before they are revoked; or, in other words, what we should gain by concurring in the amendment of the Senate? Is it believed that our export trade would be benefited? The best informed commercial men in the nation are of the opinion, that if you repeal the non-intercourse act, prices of export articles will decline in a very few months, and for this obvious reason: If we recede, and submit to the Orders in Council, most of our shipments must, in the first case, be made to Britain, and, after her exactions from the American merchant for imposts, licenses, &c., he will have but a slender residuum; one that would not enable him to pay much originally for the commodities in this country; while, if he were to sell his cargo at some intermediate place, such, for instance, as Amelia island, to a British merchant, as is now the practice, the British merchant would carry it to a market without being subject (and he certainly would not be) to the same amount of exactions as would be levied upon the American. Consequently, higher prices could be originally afforded, in the latter case than in the former, notwithstanding the difference in the cost of a direct and a circuitous voyage.

But I do not object to a naked repeal of the non-intercourse, unconnected with any succedaneum, so much on account of the probable declension in prices as from other and more serious considerations. Such repeal will stamp indelibly upon this Government the characteristics of want of firmness, inconsistency, and versatility. It will imply the severest censure on all that has been done for three years; it will beget contempt for us on the part of our adversaries; and it will fasten upon us the shackles and trammels that have been fabricated for neutral commerce by England and France. Yes, sir, in vain will you propose to either of those nations a revocation of her edicts; you will have deprived the President of every means of negotiation after having legislated your acquiescence. He will have nothing to offer in return for what he may demand; and I will ask of you, and each member in this assembly, whether in this state of things there would be any rational expectation of the withdrawal of the decrees and orders? What inducement would there be for it? You will already have given to France and England everything they can desire; the full benefit of your trade upon their own terms, and subject in every respect to their violations and abuses of it. No, sir, pass this measure as it has been returned to us by the Senate, and you rivet upon your country a commercial despotism, to which there will be no limits, either as to extent or duration.

I will detain the House but a few moments longer, while I notice some of the most prominent arguments that have been advanced by gentlemen in favor of receding. The gentleman from Georgia, (Mr. TROUP,) for whose opinions and sense of honor I entertain the highest respect, has told you that it cannot be said that he is willing to submit; that those who substituted non-intercourse for embargo, submitted to the invasions of our neutral rights; and that the important article of cotton has fallen by the deleterious operation of non-intercourse to eleven cents.—Now, sir, we will admit that the honorable gentleman was correct in voting for the continuance of the embargo; but if he was defeated (as I was myself) in that particular object, does it release him from supporting any other measure intended to produce the same end? Or does it form a sufficient apology for assenting to this mangled remnant of the bill returned from the other House, which is acknowledged to be submission? No, sir, although the gentleman may have been once disappointed, I think we have still a fair claim to his co-operation.—[Mr. TROUP made some explanations in a low voice. It was understood that he said he was at all times ready to pursue the proper course to redress the injuries we had sustained.]

Mr. G. said that those who were dissatisfied with non-intercourse, should, before they ask the removal of it, come out with some other system better adapted to the crisis. As to the prices, said Mr. G., in that section of the country where cotton is the principal commodity, I regret the declension of them. I will, however, ask the gentleman from Georgia, whether he believes, if the embargo had continued, cotton would have borne a better price than it does under non-intercourse? Or, what could have been expected to enhance the price from such intercourse as we should have had with France and Great Britain? It is not to the embargo or non-intercourse, but to the violations of our neutral commerce, that we must refer, if we wish to find the true and real causes of the inconveniences we have experienced.

The gentleman from South Carolina (Mr. TAYLOR) is ready honestly and directly to vote off the non-intercourse without any substitute, in preference to permitting it to expire at the end of the session, affirming, at the same time, that he would rather face the disgrace of such a transaction in this Hall than that it should pursue him home to his family and his constituents. A disgrace of either kind would, to be sure, be exceedingly deplorable; and I never shall suspect the gentleman of it, (for I believe him to be a perfectly honorable man,) but I would suggest to him a mode by which he could relieve himself from his present predicament: it is by voting against the bill. For, if the non-intercourse act shall, contrary to his wish, expire at the end of the session without a substitute, that will be a circumstance beyond his control, and for which he will be in no way responsible, no portion of the disgrace of it will attach to him; while if he

unites in voting off the non-intercourse without taking any other measure, that is an affirmative act, for which he must hold himself accountable for his full share of the consequences. The honorable gentleman has told us, that by the present system, our revenue has been greatly diminished. In answer to this remark, I can only observe, that but for the embargo and non-intercourse, we should by this time have had perhaps scarcely any revenue at all, because we should have been plundered by our adversaries of the very means of revenue. Yes, sirs, your produce would have been sacrificed; you could have purchased nothing to import, and where would have been your revenue?

The gentleman from New York (Mr. EMMOT) has called to his aid the Secretary of the Treasury. The annual report of that able officer is referred to to prove that we should not persist in the present measure. The Secretary, to be sure, advert, and with very great propriety, to the evils resulting from the evasions and imperfections of the non-intercourse act. These imperfections were produced entirely by the modifications of it that took place in consequence of Mr. Erskine's arrangement, and they now exist on account of the altered state of things, occasioned by the disavowal of that arrangement. Is the Government chargeable with this, or can it be collected from the Secretary's report, that he is in favor of a simple repeal of the non-intercourse, without adopting any other measure in its place? Any gentleman would hazard too much in making such an assertion. It is within my own knowledge that the contrary is the fact.

But the honorable member is very anxious, if we are to have a substitute, it should be in a distinct bill. He can see no propriety in connecting it with the repeal. After the repeal is obtained, will the gentleman, or any of his friends, vote for any substitute? No. One could not be devised that they would vote for. The truth is, and I feel it my imperious duty to declare it, and to forewarn the House of it, that if, by a decision on this question, our present system is unconditionally abandoned, no other system can or will be obtained. Sir, the evidences of this session, and I am sorry to say it, forbid the hope; and by such an act, we sink into irremediable disgrace.

Mr. Speaker, I have trespassed perhaps too long on your patience, and on the indulgence of the House. I have been impelled by the most sacred considerations which can actuate the conduct of man, to enter my solemn protestation against this proceeding; and I have discharged my duty to the best of my feeble abilities, in opposing what, in my conscience, I should deem a surrender of the rights and the honor of my country.

Mr. Cook then moved to postpone the further consideration of the subject till to-morrow, alleging as a reason that a report was current that the despatch vessel, John Adams, had arrived at Norfolk.

This motion was carried by four votes—yeas 65, nays 61.

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FRIDAY, March 30.

A motion was made by Mr. LIVERMORE, that the House do now adjourn; and the question being taken thereon, it was determined in the negative—yeas 2, nays 76.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act making appropriation for carrying into effect certain Indian treaties," with amendments; to which they desire the concurrence of this House. They have also passed a bill, entitled "An act to extend the time for making payment for the public lands of the United States in certain cases; to which they desire the concurrence of this House."

Mr. W. ALSTON, from the joint committee appointed to inquire and report what business is necessary to be done during the present session, and when it may be expedient to close the same, made a report; which was read.

Mr. ALSTON, from the same committee, at the same time, also submitted the following resolution:

Resolved, by the Senate and House of Representatives of the United States of America, in Congress assembled, That the President of the Senate and Speaker of the House of Representatives be, and they are hereby, authorized to adjourn their respective Houses on the 23d day of April next.

Mr. LOVE moved to postpone the further consideration of the resolution till Monday next.

This motion was objected to by Messrs. QUINCY, LIVERMORE, TALLMADGE, and SMILIE, and supported by Messrs. LOVE, FISK, MARION, W. ALSTON, RHEA, STANFORD, and MACON. The reasons urged for postponing were, that time ought to be allowed for the consideration of the report of the committee, that so much business was before the House that it would be impossible now properly to fix the time of adjournment; and that news might be daily expected from Europe which would one way or the other affect the duration of the session. It was said in reply that every one knew, without consulting the report of the committee, what business was before the House; that, when the time of adjournment was fixed, the House would do as much in one day as it now did in three; and that if an expectation of news from Europe was a reason for protracting the session, Congress would never adjourn.

The postponement to Monday was carried, yeas 61, nays 58.

Mr. MACON called for the consideration of the commercial intercourse bill; but, this being a day set apart for private business, it could not be taken up.

REDUCTION OF THE ARMY, &c.

Mr. RANDOLPH said he had some time ago submitted to the House a motion proposing a reduction of the Military and Naval Establishments of the United States, which was referred to a Committee of the whole House to whom was referred the bill imposing additional duties. He said he had been given to understand by the chairman of the Committee of Ways and Means that it was his intention to call up the bill, and consequently his (Mr. R's.) motion along with it, on Satur-

day last. But he perceived that gentleman (Mr. ERRES) had not since attended in his place—his absence, he presumed, resulted from indisposition.

Mr. R. said he thought it his duty to give notice to the House that, if it was not called up sooner, he should move the House to go into committee on his proposition on Monday next. He mentioned that day, because he said he did trust that in the interim the House would decide finally on the bill, the title of which he could not recollect, but which, if not out of order, he would call MACON's bill.

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The House resumed the consideration of the bill providing the means to ascertain the title to the batture near New Orleans.

Mr. BISS's motion yet under consideration, and a division of the question being called for,

The question on striking out the sections of the present bill (providing for a judicial decision) was taken, and carried—yeas 95, nays 22, as follows:

YEAS—Jemuel J. Alston, Willis Alston, jr. William Anderson, Ezekiel Bacon, David Bard, Burwell Bassett, William W. Bibb, Daniel Blaisdell, Adam Boyd, John Brown, Robert Brown, William Butler, Joseph Calhoun, Epaphroditus Champion, Martin Chittenden, Matthew Clay, John Clopton, Howell Cobb, James Cochran, Orchard Cook, William Crawford, Richard Cutts, John Davenport, jr., John Dawson, Joseph Desha, James Emott, William Findley, Meshack Franklin, Barzillai Gannett, David S. Garland, Thomas Gholson, Peterson Goodwyn, William Helms, James Holland, Jacob Hufty, Richard Jackson, jr., Walter Jones, William Kennedy, Philip B. Key, Herman Knickerbacker, Edward St. Lee Livermore, Robert Le Roy Livingston, John Love, Aaron Lyle, Nathaniel Macon, Robert Marion, Samuel McKee, Alexander McKim, John Montgomery, Nicholas R. Moore, Jeremiah Morrow, Jonathan O. Moseley, Roger Nelson, Thomas Newbold, Thomas Newton, John Nicholson, John Porter, John Randolph, John Rea of Pennsylvania, John Rhea of Tennessee, Matthias Richards, John Roane, Erastus Root, Ebenezer Sage, Thomas Sammons, Jemuel Sawyer, Ebenezer Seaver, Adam Seybert, Daniel Sheffield, Dennis Smelt, John Smilie, George Smith, John Smith, Samuel Smith, Henry Southard, Richard Stanford, John Stanley, Lewis B. Sturges, Jacob Swoope, Samuel Taggart, Benjamin Tallmadge, John Taylor, John Thompson, Uri Tracy, George M. Troup, Charles Turner, jr., Nicholas Van Dyke, Archibald Van Horn, Killian K. Van Rensselaer, Robert Weakley, Robert Whitehill, Ezekiel Whitman, James Wilson, Richard Winn, and Robert Witherspoon.

NAYS—James Breckenridge, William Ely, Jonathan Fisk, Charles Goldsborough, William Hale, Daniel Heister, Benjamin Howard, Jonathan H. Hubbard, Robert Jenkins, Joseph Lewis, jr., Vincent Matthews, Archibald McBryde, Pleasant M. Miller, William Milnor, Gurdon S. Mumford, Joseph Pearson, Timothy Pitkin, jr., Elisha R. Potter, Josiah Quincy, James Stephenson, Jabez Upham, and Laban Wheaton.

The question now recurred on Mr. BISS's amendment, to insert, in lieu of those stricken out, several new sections.

[Mr. BISS's amendment proposes that the right of the United States shall be vested in the Cor-

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poration of New Orleans, so as to enable them to defend any suit which may be instituted for the recovery of the batture, and that the batture shall be used and enjoyed as a public highway and landing place, &c.; as well by citizens of the United States as by the inhabitants of New Orleans.]

This motion was decided by yeas and nays and lost—yeas 36, nays 84, as follows:

YEAS—Lemuel J. Alston, William Anderson, Burwell Bassett, William W. Bibb, John Brown, William Butler, Joseph Calhoun, Howell Cobb, James Cochran, James Cox, John Dawson, Joseph Desha, Meshack Franklin, William Helms, Jas. Holland, Jacob Hufty, Nathaniel Macon, Robert Marion, Sam'l McKee, Alexander McKim, John Montgomery, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, Roger Nelson, John Porter, John Rhea of Tennessee, Ebenezer Sage, Thomas Sammons, Ebenezer Seaver, Dennis Smelt, John Smilie, John Taylor, Robert Weakley, Robert Whitehill, and Richard Winn.

NAYS—Willis Alston, junior, Ezekiel Bacon, David Bard, Daniel Blaisdell, Adam Boyd, James Breckenridge, Robert Brown, Epaphroditus Champion, Martin Chittenden, John Clopton, Orchard Cook, William Crawford, Richard Cutts, John Davenport, jr., William Ely, James Emott, William Findley, Jonathan Fisk, Barzillai Gannett, Gideon Gardner, David S. Garland, Thomas Gholson, Charles Goldsborough, Peterson Goodwyn, Thos. R. Gold, William Hale, Daniel Heister, Benjamin Howard, Richard Jackson, jun., Robert Jenkins, Walter Jones, William Kennedy, Philip B. Key, Herman Knickerbacker, Joseph Lewis, jun., Edward St. Loe Livermore, Robert Le Roy Livingston, John Love, Aaron Lyle, Vincent Matthews, Archibald McBryde, Pleasant M. Miller, William Milnor, Jonathan O. Moseley, Gurdon S. Mumford, Thomas Newbold, John Nicholson, Joseph Pearson, Benjamin Pickman, jr., Timothy Pitkin, jr., Peter B. Porter, Elisha R. Potter, Josiah Quincy, John Randolph, John Rea of Pennsylvania, Matthias Richards, John Roane, Erastus Root, Lemuel Sawyer, Adam Seybert, Samuel Shaw, Daniel Sheffey, George Smith, John Smith, Henry Southard, Richard Stanford, John Stanley, James Stephenson, Lewis B. Sturges, Jacob Swoope, Samuel Taggart, Benjamin Tallmadge, John Thompson, Uri Tracy, George M. Troup, Charles Turner, jun., Jabez Upham, Nicholas Van Dyke, Archibald Van Horn, Killian K. Van Rensselaer, Laban Wheaton, Ezekiel Whitman, James Wilson, and Robert Witherspoon.

Mr. GHOLSON then moved to amend the bill by inserting, in lieu of the part stricken out, the following:

"That the President of the United States be, and he is hereby, authorized to appoint three Commissioners, who, or any two of them, shall have power, and they are by this act required, to collect all the evidence, whether written or oral, touching the right and title, at law or in equity, of the United States, of the Corporation of New Orleans, or of any individual person or persons of, in, and to, the parcel of land called the batture, in front of the suburb St. Mary, in the Territory of Orleans. And for this purpose the said Commissioners, or any two of them, shall have and may exercise the same authority in causing depositions to be taken, and in sending for and examining persons and papers, as the Supreme Court of the United States, in any case depending before it, can at this time exercise. And, when all the evidence deemed necessary by the

said Commissioners, by the Attorney General of the United States, or by any person or persons interested, for the investigation and decision of the said title, shall have been collected and procured, it shall then be the duty of the said Commissioners, or any two of them, to collate and arrange the same in the most intelligible form, which, together with their opinion thereon respecting the title aforesaid, they shall report to Congress, at the next session thereof.

"**SEC. 2. And be it further enacted,** That each of the said Commissioners, previous to entering on the duties required by this act, shall take the following oath or affirmation, before some one of the Judges of the United States, viz: 'I, A. B., do solemnly swear (or affirm) that I will faithfully and impartially, to the best of my knowledge, execute and perform the duties required of me as a Commissioner under the act, entitled 'An act to examine into the title of the batture in front of the suburb St. Mary.'

"**SEC. 3. And be it further enacted,** That the President of the United States be, and he is hereby, authorized to allow to each of the said Commissioners a compensation not exceeding two thousand dollars, which, together with any other expenses that may be incurred under this act, shall be paid out of any money in the Treasury, not otherwise appropriated: *Provided,* That the expense attending the procurement of any testimony in behalf of any individual person or persons shall be paid by and may be collected from such person or persons in the same manner and at the same rates as in a suit in the Supreme Court of the United States."

MESSRS. SHEFFEY and MILNOR opposed Mr. GHOLSON'S amendment, and Messrs. W. ALSTON and GHOLSON supported it in preference to Mr. SHEFFEY'S.

The question was taken on Mr. GHOLSON'S amendment, and the following was the result of the vote:

YEAS—Lemuel J. Alston, Willis Alston, jr., William Anderson, David Bard, Burwell Bassett, William W. Bibb, John Brown, Robert Brown, Joseph Calhoun, Matthew Clay, John Clopton, Howell Cobb, James Cochran, James Cox, William Crawford, Rich'd Cutts, John Dawson, Joseph Desha, William Findley, Meshack Franklin, Barzillai Gannett, Gideon Gardner, Thomas Gholson, Peterson Goodwyn, William Helms, James Holland, Benjamin Howard, Jacob Hufty, Walter Jones, William Kennedy, John Love, Aaron Lyle, Nath'l Macon, Robert Marion, Samuel McKee, Alexander McKim, John Montgomery, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, Roger Nelson, Thomas Newbold, Thomas Newton, John Porter, John Rhea of Tennessee, Matthias Richards, John Roane, Ebenezer Sage, Ebenezer Seaver, Samuel Shaw, Dennis Smelt, John Smilie, George Smith, John Smith, Samuel Smith, Henry Southard, John Taylor, George M. Troup, Charles Turner, jr., Robert Weakley, Robert Whitehill, Richard Winn, Robert Witherspoon.—63.

NAYS—Ezekiel Bacon, Daniel Blaisdell, Adam Boyd, James Breckenridge, William Chamberlin, Epaphroditus Champion, Martin Chittenden, Orchard Cook, John Davenport, jr., William Ely, James Emott, Jonathan Fisk, David S. Garland, Charles Goldsborough, Thomas R. Gold, Edwin Gray, William Hale, Daniel Heister, Jonathan H. Hubbard, Richard Jackson, jr., Robert Jenkins, Philip B. Key, Herman Knickerbacker, Joseph Lewis, jr., Edward St. Loe Livermore, Robert Le Roy Livingston, Matthew Lyon, Vincent Matthews, Archibald McBryde, Pleasant M. Miller, William Mil-

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nor, Jonathan O. Moseley, Gurdou S. Mumford, John Nicholson, Joseph Pearson, Benjamin Pickman, jun., Timothy Pitkin, jr., Peter B. Porter, Elisha R. Potter, Josiah Quincy, John Randolph, John Rea of Pennsylvania, Erastus Root, Thomas Sammons, Lemuel Sawyer, Adam Seybert, Daniel Sheffey, Richard Stanford, John Stanley, James Stephenson, Lewis B. Sturges, Jacob Swoope, Samuel Taggart, Benjamin Tallmadge, John Thompson, Uri Tracy, Jabez Upham, Nicholas Van Dyke, Archibald Van Horn, Killian K. Van Rensselaer, Lahan Wheaton, Ezekiel Whitman, and James Wilson.—63.

The House being equally divided, the Speaker decided the question in the affirmative by his vote.

The amendment made to the bill containing a blank for compensation to the commissioners being under consideration, in order to fill the blank it was necessary to go into a Committee of the Whole.

On motion of Mr. GHOLSON, the bill was committed to a Committee of the Whole.

Mr. MACON moved that it be the order of the day for the first Monday in November next. Negatived—ayes 28.

Monday was also negatived, and this day agreed to.

The House then resolved itself into a Committee of the Whole on the bill.

Mr. FISK moved to strike out the whole of the bill, and insert the amendment moved by Mr. SHEFFEY in the House.

The motion was opposed by Mr. GHOLSON and Mr. BIBB, and supported by Mr. FISK.

A division of the question being called for, and the question being taken on striking out—it was negatived, yeas 56, nays 58.

Mr. SHEFFEY moved to strike out the whole of the bill, for the purpose of inserting a substitute.

[The substitute proposes that the President of the United States shall, forthwith, cause the persons removed from the batture to be reinstated in possession, and if he thinks the title of the United States will warrant such a course, to direct suit to be instituted against them for the recovery of the property, an appeal to be allowed to the Supreme Court.]

The motion was supported by Messrs. SHEFFEY, ROOT, and LYON, and opposed by Mr. HOLLAND.

Several motions were successively made for the Committee to rise, and negatived.

A division of the question being called for on Mr. SHEFFEY'S motion, the question was taken on striking out, and negatived, 63 to 64.

Mr. KEY proposed an additional section to the bill, to authorize the President to make a compromise with the claimant, at any time he may deem proper, within one year from the passage of the bill.

The section was agreed to, 65 to 63.

Mr. FISK moved to strike out that part of the bill which proposes that the commissioners shall collate testimony and report their opinion on the case, in order to provide that they shall "determine and decide" on the title.

Mr. FISK subsequently withdrew this motion with a view to offer it in the House.

The blank for compensation for each commissioner was filled up with two thousand dollars, and the Committee then rose and reported the bill as amended.

Repeated motions were made unsuccessfully to adjourn.

Mr. PITKIN then moved to amend the bill by striking out the first, second, and third sections thereof, (being that part of the same which was proposed by Mr. GHOLSON,) for the purpose of inserting the first, second, fourth, and fifth sections of an amendment proposed by Mr. SHEFFEY to the said bill on the 23d instant; which said first, second, fourth, and fifth sections are as follow:

"That the President of the United States be, and he is hereby, authorized to appoint three persons learned in the law, not resident in the Territory of Orleans, (and to fill up all vacancies that may occur by death, resignation, or otherwise,) as Commissioners, who, or any two of them, shall have full power to inquire into and decide on the right and title of the United States to a parcel of land, known by the name of the batture, in front of the suburb St. Mary, in the city of New Orleans; and that they, or any two of them, shall make and deliver to the President of the United States, and such persons as may have any claim to the said batture, and exhibit the same before them, a sentence or award, signed with their names, and transmit a copy thereof to the Congress of the United States, on or before the first day of January next, which shall be binding and conclusive as to the right of the United States and the persons who shall so exhibit their claims as aforesaid, unless the same shall be disapproved by Congress, before the —. And the President of the United States is hereby required, in case the said award shall be against the United States, and shall not be disapproved as aforesaid, to cause the persons who were removed from the said batture, on the twenty-fifth of January, eighteen hundred and eight, by order of the President of the United States, to be restored to the possession thereof.

"SEC. 2. And be it further enacted, That the first named of the said Commissioners, who shall accept the said appointment, shall have power to make rules for the taking and authenticating testimony, and for fixing the time and place, and regulating the mode of conducting the hearing and inquiry aforesaid; and that the said Commissioners, or any two of them, shall have full power to compel the attendance of witnesses, and the production of papers: *Provided*, That no witness residing in the Territory of Orleans shall be compelled to travel out of the said Territory to give his or her testimony, but the deposition of such witness shall be taken according to the rules prescribed by the person first named as aforesaid.

"SEC. 4. And be it further enacted, That, until the final decision of the said claim, the President shall take care that no injury be done to said property by digging or carrying away the soil, but that, in all other respects, the same may be used as it now is.

"SEC. 5. And be it further enacted, That the President of the United States shall make to the Commissioners aforesaid, such allowance for their services as he may think an adequate compensation for their services."

A division of the question to amend the bill

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was called for by Mr. GHOLSON; when a question of order was raised by Mr. RANDOLPH, whether the said question was divisible?

The question then recurred on the motion of Mr. PITKIN, to strike out the three sections as proposed by Mr. GHOLSON; and, debate arising thereon, an adjournment was called for, and carried.

SATURDAY, March 31.

Mr. JOHNSON made sundry reports from the Committee of Claims. One of these was on the petition of Edward Holland. The petitioner states that he was with a vessel improperly detained at a fort of the United States one night, during which detention the river froze up, and his vessel was subsequently cut up by the ice, which, he alleges, would not have occurred but for his detention. The Committee of Claims reported against him.

On motion of Mr. GOLDSBOROUGH, after debate, the report was ordered to lie on the table, 51 to 23.

On motion of Mr. MACON,

Resolved, That the Secretary of the Treasury be directed to lay before this House a statement of the gross annual amount of expenditure in relation to the Military and Naval Establishments, from the 4th March, 1789, to the end of the year 1809.

Mr. BASSETT, from the Committee on the Naval Establishment, who was instructed to inquire into the expediency of authorizing the President of the United States to sell such of the armed vessels and gunboats as he may judge unfit or unnecessary for public service, made a report thereon; which was read, and referred to the Committee of the Whole to whom is committed a report made by the said Committee, on the 6th January last, on the same subject.

The House proceeded to consider the amendments of the Senate to the bill, entitled "An act making appropriations for carrying into effect certain Indian treaties; and the same being read, were committed to a Committee of the Whole on Monday next.

The bill sent from the Senate, entitled "An act authorizing a subscription on the part of the United States to the stock of the Ohio Canal Company," was read twice, and committed to a Committee of the Whole on Tuesday next.

The bill sent from the Senate, entitled "An act authorizing the sale and grant of a certain quantity of public land to the Chesapeake and Delaware Canal Company," was read twice, and committed to the Committee of the Whole last mentioned.

The bill sent from the Senate, entitled "An act to extend the time for making payment for the public lands of the United States in certain cases," was read twice, and committed to a Committee of the Whole on Monday next.

Mr. JOHNSON, from the Committee of Claims, presented a bill for the relief of Grove Pomerooy; which was read twice, and ordered to lie on the table.

THE BATTURE AT NEW ORLEANS.

The House resumed the consideration of the unfinished business of yesterday, on the bill providing the means to ascertain the title to the batture in front of the suburb St. Mary, in the city of New Orleans.

The question having recurred on the amendment of Mr. PITKIN, the said amendment was withdrawn by the mover.

The question was then taken on concurring with the Committee of the Whole in their first amendment to the said bill, and carried in the affirmative.

The question then recurred on concurring with the Committee of the Whole House in their second amendment to the said bill, amended in the House to read as follows:

"SEC. 4. *And be it further enacted*, That the President of the United States be, and he is hereby, authorized, at any time within one year, to make and execute such compromise with the parties, or any of them, who were removed from the said batture on the twenty-fifth day of January, one thousand eight hundred and eight, by order of the President of the United States, and to procure a cession of their claims thereto, or to any part thereof, for the use of the public, or to any body politic or corporate, on such terms as may be agreed on with the said parties, and deemed advisable by the President, and to stipulate for a compensation, either in money or public lands, in the city of New Orleans, or its territories, as he may think proper."

MESSRS. NELSON, SMILIE, HOLLAND, and BIBB, opposed the amendment; and MESSRS. SHEFFEY, KEY, and LYON, supported it.

The question being taken, it was determined in the negative—yeas 62, nays 55, as follows:

YEAS—Ezekiel Bacon, Daniel Blaisdell, Adam Boyd, James Breckenridge, William Chamberlin, Epaphroditus Champion, Martin Chittenden, Orchard Cook, Samuel W. Dana, John Davenport, jr., William Ely, James Emott, Jonathan Fisk, David S. Garland, Thomas R. Gold, Edwin Gray, William Hale, Nathaniel A. Haven, Daniel Heister, Jonathan H. Hubbard, Richard Jackson, jun., Robert Jenkins, Philip B. Key, Herman Knickerbacker, Joseph Lewis, jr. Edward St. Lee Livermore, Robert Le Roy Livingston, Matthew Lyon, Vincent Matthews, Archibald McBryde, Sam'l McKee, Pleasant M. Miller, William Milnor, Jonathan O. Moscovitz, Gurdon S. Mumford, John Nicholson, Joseph Pearley, Benjamin Pickman, jun., Timothy Pitkin, jun., Peter B. Porter, Elisha R. Potter, Josiah Quincy, John Rea of Pennsylvania, Erastus Root, Thomas Sammons, Adam Seybert, Daniel Sheffey, John Stanley, James Stevenson, Lewis B. Sturges, Jacob Swoope, Samuel Taggart, Benjamin Tallmadge, John Thompson, Uri Tracy, Jabez Upham, Nicholas Van Dyke, Archibald Van Horn, Killian K. Van Rensselaer, Laban Wheaton, Ezekiel Whitman, and James Wilson.

NAYS—Lemuel J. Alston, Willis Alston, jr., William Anderson, David Bard, Burwell Bassett, William W. Bibb, John Brown, Robert Brown, William Butler, Joseph Calhoun, Matthew Clay, John Clopton, Howell Cobb, James Cochran, James Cox, William Crawford, Richard Cutts, John Dawson, Joseph Desha, William Findley, Meshack Franklin, Barzillai Gannett, Gideon Gardner, Thomas Gholson, Chas. Goldsborough, Peter-son Goodwyn, William Helms, James Holland, Ben-

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Commercial Intercourse—Non-Intercourse.

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jamin Howard, Jacob Hufty, Richard M. Johnson, Walter Jones, William Kennedy, John Love, Aaron Lyle, Nathaniel Macon, Robert Marion, Alex. McKim, John Montgomery, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, Roger Nelson, Thomas Newbold, Thomas Newton, John Porter, John Randolph, John Rhea of Tennessee, Matthias Richards, John Roane, Ebenezer Sage, Ebenezer Seaver, Dennis Smelt, John Smilie, George Smith, Samuel Smith, Henry Southard, Richard Stanford, John Taylor, George M. Troup, Charles Turner, jr., Robert Weakley, Robert Whitehill, Richard Winn, and Robert Witherspoon.

The bill, with the amendment agreed to, was ordered to be engrossed, and read the third time this day.

COMMERCIAL INTERCOURSE.

The House resumed the consideration of the motion of Mr. MACON, that the House do adhere to their disagreement to the amendments of the Senate to the bill, entitled "An act respecting the commercial intercourse between the United States and Great Britain and France, and for other purposes."

And the question being taken, it was resolved in the affirmative—yeas 66, nays 58, as follows:

YEAS—Willis Alston, jr., William Anderson, David Bard, Burwell Basset, Adam Boyd, John Brown, Robert Brown, William Butler, Joseph Calhoun, Matthew Clay, John Clopton, Howell Cobb, James Cochran, James Cox, William Crawford, John Dawson, Joseph Desha, Wm. Findley, Jonathan Fisk, Meshack Franklin, Barzillai Gannett, Gideon Gardner, Thomas Gholson, Peterson Goodwyn, William Helms, James Holland, Benjamin Howard, Jacob Hufty, Richard M. Johnson, Walter Jones, John Love, Aaron Lyle, Nathaniel Macon, Samuel McKee, Alexander McKim, Pleasant M. Miller, John Montgomery, Nicholas R. Moore, Jeremiah Morrow, Gurdon S. Mumford, Roger Nelson, Thomas Newbold, Thos. Newton, John Nicholson, John Porter, Peter B. Porter, John Rea of Pennsylvania, John Rhea of Tennessee, Matthias Richards, John Roane, Erastus Root, Ebenezer Sage, Thomas Sammons, Ebenezer Seaver, Adam Seybert, Samuel Shaw, John Smilie, Geo. Smith, Samuel Smith, Henry Southard, Richard Stanford, Uri Tracy, Charles Turner, jr., Robert Whitehill, Richard Winn, and Robert Witherspoon.

NAYS—Lemuel J. Alston, William W. Bibb, Daniel Blaisdell, James Breckenridge, William Chamberlin, Martin Chittenden, Orchard Cook, Samuel W. Dana, John Davenport, jr., William Ely, James Emott, David S. Garland, Charles Goldsborough, Thomas R. Gold, Edwin Gray, William Hale, Nathaniel A. Haven, Daniel Heister, Jonathan H. Hubbard, Richard Jackson, jr., Robert Jenkins, William Kennedy, Philip B. Key, Herman Knickerbacker, Joseph Lewis, junior, Edward St. Loc Livermore, Robert Le Roy Livingston, Matthew Lyon, Robert Marion, Vincent Matthews, Archibald McBryde, William Milnor, Thomas Moore, Jonathan O. Mosley, Joseph Pearson, Benjamin Pickman, jr., Timothy Pitkin jr., Elisha R. Potter, Josiah Quincy, John Randolph, Daniel Sheffey, Dennis Smelt, John Stanley, James Stephenson, Lewis B. Sturges, Jacob Swoope, Samuel Taggart, Benjamin Tallmadge, John Taylor, George M. Troup, Jabez Upham, Nicholas Van Dyke, Archibald Van Horn, Killian K. Van Rensselaer, Robert Weakley, Laban Wheaton, Ezekiel Whittman, and James Wilson.

NON-INTERCOURSE.

Immediately after the decision of this question, Mr. RANDOLPH rose. He said that seldom had a question excited so much sensation which was of intrinsically less importance than that just now decided; and, perhaps, it might be deemed that the proposition which he was now about to offer was not, of itself, deserving of higher consideration. He said he would state his ideas as succinctly as possible, because his present object was dispatch. We have, said he, an act in subsistence which, for brevity's sake, I will call the non-intercourse law. This act has been reprobated and reviled by every man, of every political description, in this House and out of it, from one end of the continent to the other; and yet, sir, strange as it may appear, Congress has been in session near five months, and this law in relation to which every one seems to concur, indeed, vie with each other in its reprobation, still remains upon our statute books. To answer what end, I beseech you, sir? Is it a sort of scarecrow, set up to frighten the great belligerents of Europe; or, is it a toy, a rattle, a bare plaything, to amuse the great children of our political world? On whatsoever measures the nation may ultimately resolve, be it peace, be it war, be it (if there be such a thing) an intermediate state between these two, there is no difference of opinion as to the deleterious operation of this unfortunate law. I ought, perhaps to call it fortunate; for, although it was introduced into the House without a single friend, although no man was found to lift up his voice in its defence, it actually passed by a majority of two to one, and is found nearly as difficult to repeal as the old sedition law of a former majority, even after all its abettors have become convinced of its mischievous tendency. I hope, sir, we shall profit of former experience, and not pertinaciously adhere to a measure which is daily diminishing the resources of the nation, and very justly impairing the public confidence in the wisdom and patriotism of the Legislature. But I beg pardon. I am entering into a discussion, when my sole object is to submit a naked proposition to the House, and, if possible, to get the most speedy decision on it. I do not mean to reiterate (because they must present themselves to every man of common observation and common sense) the arguments by which the propriety of a speedy decision of the question is enforced. If any member of the House will figure to himself the fair and *bona fide* American merchant whose ship has been lying at the wharf the greater part of the winter, laden with a cargo perishable in its nature, say flaxseed, which, if not exported now, becomes utterly worthless, he will conceive of the situation of those whom I wish to relieve. How our resources are to be enlarged, or the belligerents to be acted on by our produce perishing here, I cannot conceive. I mean the produce of the fair and *bona fide* trader, for the other description of men, we know, all send their produce when and where they please. We have had official information, near five months ago, that

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the law is wholly inoperative, except as to men of high character for probity and honor, who cannot gain their own consent to violate the law. I therefore move—

“That the act interdicting commercial intercourse, &c., &c., ought to be immediately repealed.”

The House agreed to consider the resolution—
YEAS 69, NAYS 53, as follows:

YEAS—Lemuel J. Alston, Ezekiel Bacon, William W. Bibb, Daniel Blaisdell, James Breckenridge, Wm. Chamberlin, Epaphroditus Champion, Martin Chittenden, Howell Cobb, James Cochran, Orchard Cook, Samuel W. Dana, John Davenport, jun., Wm. Ely, James Emott, Jonathan Fisk, David S. Garland, Chas. Goldsborough, Thomas R. Gold, Edwin Gray, William Hale, Nathaniel A. Haven, Daniel Heister, Jonathan H. Hubbard, Richard Jackson, jun., Robert Jenkins, William Kennedy, Philip B. Key, Herman Knickerbacker, Joseph Lewis, junior, Edward St. Loe Livermore, Robert Le Roy Livingston, Matthew Lyon, Nathaniel Macon, Robert Marion, Vincent Matthews, Arch'd McBryde, William Milnor, Thomas Moore, Jonathan O. Moseley, Gurdon S. Mumford, Joseph Pearson, Benjamin Pickman, jun., Timothy Pitkin, jun., Peter B. Porter, Elisha R. Potter, Josiah Quincy, John Randolph, Dan. Sheffey, Dennis Smelt, Samuel Smith, Richard Stanford, John Stanley, James Stephenson, Lewis B. Sturges, Jacob Swoope, Samuel Taggart, Benjamin Tallmadge, John Taylor, Uri Tracy, George M. Troup, Jabez Upham, Nicholas Van Dyke, Archibald Van Horn, Killian K. Van Rensselaer, Robert Weakley, Laban Wheaton, Ezekiel Whitman, and James Wilson.

NAYS—Willis Alston, jr. David Bard, Adam Boyd, John Brown, Robert Brown, William Butler, Joseph Calhoun, Matthew Clay, John Clopton, James Cox, William Crawford, John Dawson, Joseph Desha, William Findley, Meshack Franklin, Barzillai Gannett, Gideon Gardner, Thomas Gholson, Peterson Goodwyn, James Holland, Benjamin Howard, Jacob Hufty, Richard M. Johnson, Walter Jones, John Love, Aaron Lyle, Samuel McKee, Alexander McKim, John Montgomery, Nicholas R. Moore, Jeremiah Morrow, Roger Nelson, Thomas Newton, John Nicholson, John Porter, John Rea of Pennsylvania, John Rhea of Tennessee, Matthias Richards, John Roane, Erastus Root, Ebenezer Sage, Thomas Sammons, Ebenezer Seaver, Adam Seybert, Samuel Shaw, John Smilie, George Smith, Henry Southard, John Thompson, Charles Turner, jr., Robert Whitehill, Richard Winn, Robert Witherspoon.

Mr. MONTGOMERY said he had just now voted for adherence to the disagreement of the House to the Senate's amendments, because he did conceive that a repeal of the non-intercourse, without something being substituted, was positive, unequivocal submission to the edicts of France and Great Britain. He had been gratified at the result of that vote, as it had still kept open the question for a repeal of the non-intercourse. He was one of those opposed to a repeal of the non-intercourse without a substitute. He said he thought Congress could not separate at the present session without repealing the non-intercourse, and doing something to maintain, support, and defend the rights of our country. At a former session, the House had resolved that they could not submit to the British or French decrees without a surrender of the rights, honor, and independence of the nation. Nothing had occurred

to change the relative situation of the United States as to those decrees. Holding these opinions, Mr. M. said he considered it his duty to move the following amendment, to which, he said, he had no hesitation in saying, as his belief, that no gentleman who regarded the rights or honor of his country could object:

“And that provision ought to be made by law to maintain and defend the rights, honor, and independence of the United States against the edicts of France and Great Britain.”

On motion of Mr. SMILIE, the House now adjourned, 65 to 53.

MONDAY, April 2.

The bill presented on Saturday last, for the relief of Grove Pomeroy, was committed to the Committee of the Whole on the bill for the relief of Margaret Lapsley.

On motion of Mr. QUINCY,

Ordered, That the Committee of the Whole House, to whom is committed the report of a select committee, made on the 27th ultimo, on the state of the ancient archives and public records of the United States, be discharged from the consideration thereof, and that it be recommitted to the said select committee to report a bill.

Mr. QUINCY, from the said committee, then presented a bill providing for the better accommodation of the General Post Office and Patent Office, and for other purposes; which was read twice, and committed to a Committee of the Whole on Wednesday next.

Mr. LOVE, from the committee appointed on the 22d ultimo, presented a bill to establish a National Bank; which was read twice, and committed to a Committee of the Whole on Thursday next.—[The Bank to be established at the City of Washington, with branches in each Territory and State, provided the consent of the State Legislatures shall be obtained thereto.]

Mr. LOVE also made a written report in relation to the principles of the said bill; which was read.

A message from the Senate informed the House that the Senate have passed a bill entitled “An act authorizing the sale and grant of a certain quantity of public land to the proprietors of the Middlesex canal, in the State of Massachusetts,” to which they desire the concurrence of this House.

THE BATTURE AT NEW ORLEANS.

An engrossed bill providing the means to ascertain the title to the batture in front of the suburb of St. Mary, in the city of New Orleans, was read the third time; and on the question that the same do pass, it was resolved in the affirmative—YEAS 59, NAYS 16, as follows:

YEAS—Willis Alston, jun., Ezekiel Bacon, Daniel Blaisdell, Adam Boyd, James Breckenridge, Epaphroditus Champion, Martin Chittenden, Matthew Clay, Orchard Cook, James Cox, William Crawford, Richard Cutts, Samuel W. Dana, John Davenport, jun., William Ely, James Emott, William Findley, Jonathan Fisk, Barzillai Gannett, Gideon Gardner, David S. Garland, Thomas Gholson, Thomas R. Gold, Edwin

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Gray, William Hale, Daniel Heister, Benjamin Howard, Jacob Hufty, Richard Jackson, jr., Robert Jenkins, Richard M. Johnson, Walter Jones, William Kennedy, Philip B. Key, Herman Knickerbacker, Joseph Lewis, junior, Edward St. Loë Livermore, John Love, Aaron Lyle, Robert Marion, Vincent Matthews, Archibald McBryde, Samuel McKee, Alexander McKim, Pleasant M. Miller, William Milnor, Nicholas R. Moore, Thomas Moore, Jonathan O. Moseley, Roger Nelson, Thomas Newbold, Thomas Newton, John Nicholson, Joseph Pearson, Benjamin Pickman, jr., Timothy Pitkin, jr., John Porter, Peter B. Porter, Elisha R. Potter, Josiah Quincy, John Rea of Pennsylvania, Matthias Richards, John Roane, Ebenezer Sage, Thomas Sammons, Adam Seybert, Samuel Shaw, Daniel Sheffey, Dennis Smelt, John Smilie, George Smith, John Smith, Samuel Smith, Henry Southard, Richard Stanford, James Stephenson, Lewis B. Sturges, Jacob Swoope, Benjamin Tallmadge, John Thompson, Uri Tracy, George M. Troup, Charles Turner, jr., Jabez Upham, Killian K. Van Rensselaer, Laban Wheaton, Robert Whitehill, Ezekiel Whitman, and Robert Witherspoon.

NAYS—William Anderson, John Brown, Robert Brown, William Butler, Joseph Calhoun, William Chamberlin, James Cochran, Meshack Franklin, Jonathan H. Hubbard, Nathaniel Macon, John Montgomery, John Rhea of Tennessee, Erastus Root, Ebenezer Seaver, Robert Weakley, and James Wilson.

Resolved, That the title be, "An act to examine into the title to the batture in front of the suburb St. Mary."

NON-INTERCOURSE.

The order of the day was called for on the following resolution:

"Resolved, That the act interdicting commercial intercourse, &c., ought to be immediately repealed."

To this an amendment had been offered by Mr. MONTGOMERY in the following words: "And 'that provision ought to be made by law for 'maintaining the rights, honor, and independence 'of the United States against the edicts of Great 'Britain and France.'"

Mr. RHEA of Tennessee, moved to postpone the further consideration of the subject till to-morrow.

Mr. RANDOLPH said the House would perceive that he had submitted to its consideration a proposition as explicit and definite as language could express. To this proposition had been tacked an amendment which, as substitutes are very much in vogue, appeared to him very much in the light of a substitute for the original proposition. It was at least a proposition of a very different nature from the original one; since, instead of being explicit as to its object and definite in its terms, it dealt only in pompous and lofty generalities. [The SPEAKER observed that the House had not yet determined to consider the proposition to which the gentleman alluded.] If the Speaker, sir, said Mr. R., will give himself the trouble to attend for a few moments he will perceive that the whole bearing of my observations will go to show the impropriety of postponing my motion, since it involves the very serious inconvenience and disadvantage of postponing also the weighty amendment of the gentleman from

Maryland (Mr. MONTGOMERY.) I am willing to admit that my proposition is one of that unimportant description which may, without any very serious national injury, be indefinitely postponed; but I pray the House not to lose by such a measure the precious project which the gentleman from Maryland is no doubt ready to submit to a committee for asserting the rights and honor of the nation against the two great belligerents of Europe. It would be matter of serious national calamity, if, after being near five months in session, after sanctioning a proposition in substance little different from this of the gentleman of Maryland, when no substitute has been hatched under the wings of the different committees of Congress—it would be a serious national loss if this vast project—vast it must be, being circumscribed by no limits—the indefinite is a principal ingredient in the sublime—if this vast project, now ready for delivery, should perish in this most unfortunate way.

The SPEAKER observed that the question was to postpone until to-morrow, and not to postpone indefinitely.

Mr. RANDOLPH said he had misapprehended the question, and wished that the Speaker had corrected him sooner. I hope, however, sir, said he, that the House will not agree to postpone this question even until to-morrow. I hope if the amendment of the gentleman from Maryland is to prevail—and really, sir, I have a sort of longing to see what he is about to bring forth—if it prevails, I hope we shall be speedily favored with the system which he has devised for "maintaining the rights, honor, and independence" of the nation, against all assailants. At this late day it would be unfortunate indeed if the only project which there is the least chance of bringing to light should be smothered. The time is growing short—none seem to think that we shall sit longer than the first of May. How does the gentleman who made this motion know but that in my anxiety to get a glimpse of the project of the gentleman from Maryland, I shall agree to incorporate his amendment with my proposition, and let the subject go to two different committees? I trust that the gentleman from Maryland would be at the head of one committee, on which I certainly have no desire to be placed; and should I be put on the other, we shall each be acting in our respective provinces—I, in mine, aiming to get at a specified object by the most direct way; and he in his, supporting Atlas-like upon his shoulders the vast interests of the State.

Mr. MONTGOMERY said that he could see no reason for postponement. Every member on the floor must be satisfied that the session was drawing to a close. Congress had been in session four or five months, and were now precisely in the same situation with regard to our foreign relations in which they were the first day of the session, because on the first day of the session they need only have adjourned to have got rid of the non-intercourse, if this was the only measure contemplated during the session. In the motion

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which I have made, said Mr. M., to amend the motion of the gentleman from Virginia, I was actuated by no other principle than that of love of country. I wish, if the non-intercourse law be repealed, that some measure of energy, such as a committee may report or the House in their wisdom may devise, will be adopted instead of the non-intercourse. My object was that the subject might in the broadest possible manner be presented to the committee. I was of opinion, at the passage of CAMPBELL's resolutions, that to repeal the embargo, without some measure of resistance, would be positive submission to the British orders and French decrees. What is then the project of the Senate contained in their amendments of nakedly repealing the non-intercourse? It is direct, abject, and unequivocal submission. I am not yet reduced to that state—I wish to see some measure of resistance adopted in place of it if repealed. It was with pleasure I saw the gentleman from Virginia (Mr. RANDOLPH) rise to move a repeal of the non-intercourse; and had no idea, when a motion was made to amend his motion, and which avowed as its object the protection of the rights of the nation against foreign violation, that it would have been objected to. I was well aware, sir, that the nation had lost the benefit of his projecting talents for the greater part of the Winter, and that, had he been present, he might have conceived some measure which might have been of service to the nation. I moved my amendment with the view that, as perhaps the gentleman would be chairman of the committee to whom his proposition would be referred, he might have the whole subject before him, and that the talents which have been of so great benefit to the nation for two or three years last past might be again exerted, and something be devised by way of resistance to the decrees of Great Britain and France, and that the gentleman might again have an opportunity of astonishing the nation at the magnitude of his project. With respect, sir, to the sarcasms against the generality of my proposition, I disregard them. I acted from a sense of duty in proposing it, and shall continue to do so, regardless of the impotent sarcasms of that gentleman. I hope the resolution will not be postponed. It is high time that we come to some conclusion; and as long as the session continues, I will still hope that some measure of resistance to the orders of the belligerents will be adopted. What, sir! shall we continue in session five months, and do nothing more than we could have done the first day we met? Is this what is expected of us? Certainly not. As long as the session continues, it must be expected that something will be devised. If the resolution be committed, and I am a member of the committee, I will exert my little talent to devise some means of resistance. I do not say that I am competent to the task; it is for the gentleman himself, with his vastly serviceable talents and extraordinary imagination, to devise some strong, energetic measure, to meet the sense of this House and save the nation. I can only give the little aid my feeble talents will enable me to

offer. I have not moved the amendment with a view of becoming the Atlas of our political world. I am no competitor of the gentleman's. I moved it as a member of this House, as I had a right to do. I am not to be driven out of my course; and sir, if the gentleman expects to browbeat me on this or any other occasion, he will find he has mistaken his man.

Mr. RHEA expressed his wish that if gentlemen were about to bring forth vast and grand projects, they would postpone them till the post-road bill would enable them to transmit their mighty plans throughout the nation with greater facility. The merits of the proposition had nothing to do with the question of postponement till to-morrow. The session was drawing to a close, and he wished to see the post office bill passed.

Mr. DANA said he did not wonder that the gentleman from Maryland really felt the situation in which Congress were placed, and the high responsibility they owed the nation, when he reflected that, after a session of four months, no one thing had been done which bespoke any system of digested measures. To whom was the fault imputable? Whether there was any fault in the case, was not a question at this time to be discussed.

The President of the United States, at the opening of the session of Congress, had called their attention to the state of our affairs, and given them ample opportunity to act on their own wisdom. Mr. D. quoted this part of the Message: "In the state which has been presented of our affairs with the great parties to a disastrous and protracted war, carried on in a mode equally injurious and unjust to the United States as a neutral nation, the wisdom of the National Legislature will be again summoned to the important decision of the alternatives before them." This was the amount of the recommendation received from the Executive, so that Congress had been left perfectly unrestrained as to the course which they might have thought proper to pursue. The bill which had passed through so many varieties of legislation, Mr. D. said, was now decided; and it seemed perfectly proper, if anything further was to be done as to our foreign relations, that it should receive a prompt attention.

As to the talk about submission in doing away the general system of commercial restrictions, it might very well proceed from those who approved the report of the committee at the second session of the 10th Congress, which had recommended the trilateral, triangular, prismatic war. The continuance of the embargo or war, had been laid down as the only two alternatives; and a conclusion had been drawn from these premises that the embargo must be continued—and yet at that very session the embargo had been denounced by some of those very persons who had voted for that report. When the embargo was given up, said Mr. D., the principle was yielded. To talk about submission now is of no consequence to the nation. It was declared by a committee of this House, in a very elaborate report, that a revocation of the embargo or an attempt to modify

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it, was submission. As we have notwithstanding, renounced that system, I am disposed to do away all the inconvenience of it as respects ourselves. If it has been abandoned in its main bearing, and all that remains operates injuriously on ourselves—if the recoil is more severe than the direct operation on our adversaries, I am against the whole. If any project distinct from this system can be presented, I am desirous of seeing it.

I should hope that the resolution might be modified, if passed, as proposed to be amended. I wish that it may not be confined entirely to Great Britain and France; because other nations, Holland for instance, and some of the Powers on the Baltic, have adopted measures injurious to our rights. I would not pass a resolution implying that we would surrender our rights to any other Power than Great Britain or France.

But, as the subject is very interesting to the public, I should wish to have the benefit of any system which might be matured to relieve the Legislature from any reproach supposed to be cast by the people on it; and am, therefore, desirous that the resolution should not be postponed.

Mr. RANDOLPH said it was not at all surprising to him that any man who could once bring himself to believe that the non-intercourse, as it was called and now practised on, agreeably to the representation of the Secretary of the Treasury now on the table, was resistance to the two great belligerents, could also bring himself to believe that the repeal of the non-intercourse laws would be submission to them. But what in fact, said he, is the nature of the proposition which it is proposed to postpone? It is proposed by me to do that immediately and beneficially for ourselves and for the public, openly, in a manly, direct way, which every man foresees will be done in an indirect one when Congress adjourns. And, if it be more resistance to the belligerents to adjourn and sneak out of this non-intercourse than to repeal it, so be it—but in the merits of that species of resistance I am determined not to participate. With respect, sir, to any project which one so little acquainted with the course of public affairs during the present Winter as myself, might be supposed capable of bringing forward in order to support the maritime rights of the nation against the European Powers, I hope I may be permitted to observe, without any intentional disrespect to the Executive, that when he shall have done that (I do not say he has not) which the Constitution prescribes to him as an imperious duty, I shall do mine—and surely it is a sufficient stretch of presumption in me to propose to do away that which is allowed to be mischievous in its operation, instead of attempting to build up with materials which are totally unfit for service, and on ground with which, from my absence during the present session, I may be presumed to be less acquainted than other members of this House. When the President shall have done that which the Constitution prescribes as his imperious duty, it will be time enough for me to do mine. The Constitution, after having in a preceding section given to the President of the United States cer-

tain powers, in the execution of which we are to presume he is to be governed by a sound discretion, goes on to use this very strong and imperative language. "He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient." Now, sir, it is fair to take for granted that the President of the United States has done his duty; that he has recommended such measures as he may judge necessary and expedient. What are they, sir? If the President of the United States, who is charged with the execution of the laws, whose knowledge respecting all our foreign relations is perfect as that of finite man can be—if he, on whom (do what you will) the execution of these measures must ultimately rest, has recommended no measures as necessary and expedient, it hardly becomes—I will not say a member of this House, but me, to step in "where angels fear to tread." And until the President of the United States who stands at the helm of our Government, shall disclose his plan of operations to this House—until the efficient Prime Minister of this country, who has an almost omnipotent control over our foreign affairs, and nearly as great over our domestic, shall disclose his sentiments, it is idle and ridiculous for members of this House to be popping up in their seats with shreds and patches and disjointed members of systems which can never make a whole one. System supposes connexion and sympathy of parts; and, after giving as much credit as you please to the independence of the two Houses of Congress—I speak now of no undue influence, but of fair Constitutional influence, and duty too—the members of this House cannot make a system of foreign policy which shall seem good in the eyes of the President, and which he can execute beneficially to the State, unless he be consulted in some way, directly or indirectly, as to the nature and extent of that system. It becomes a question whether the direct influence of the President shall not supersede an influence, if such there be, of a worse kind. The President has a great duty to perform. I conclude that he is unable to devise any system, or that he thinks none necessary, because if he had been able to devise such a system, he would, as in duty bound, have submitted it to Congress. There is then no system. Far be it from me to attempt to make one, especially out of discordant materials. But surely, sir, when a law has existed on our statute book for months, an acknowledged excrescence, I may move its repeal. If the non-intercourse be this manly resistance which some gentlemen seem to suppose it, let us have a resolution to continue it—let us re-enact it. If not, let us repeal it now, when the merchants and planters may receive some benefit from it. Instead of letting it die what may be called a natural death (although it will die on the gibbet) at the end of the session, I hope it will be now repealed. However the House may act, no part of the responsibility for its continuance can attach to me.

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Mr. JOHNSON expressed his regret that a resolution had been presented to the House embracing a proposition which they had decided but the moment before it had been offered. He believed that there was not a difference of opinion in the House on excluding British and French armed vessels from our waters. Independent of this principle, the repeal of the non-intercourse was the only question presented to his mind on the question of adhering to the amendments of the Senate. We are again, said he, presented with a proposition simply to repeal the non-intercourse, without the consolation of having it in our power at the same time to vote the exclusion of British and French armed vessels from our waters. That we should have the time of the House at this period of the session consumed in discussing a proposition which we had just before rejected, I consider unfortunate. Are we one day, when a recommendation comes from the President, and we advocate it, to be told that the independence of the House is encroached on, and the next day, when no recommendation comes, are we to be told that we are not to act at all, that our hands are tied up from attempting to alleviate the difficulties of the nation? If, sir, it is my duty to wait for the recommendation of the President on everything which comes before us, I have not understood that duty which I have to perform to my conscience and my country.

Gentlemen may think that the non-intercourse operates on ourselves alone. Under that idea, perhaps this House did by a large majority adopt a measure for the repeal of the non-intercourse. What was the fate of that measure? It failed—and by this proposition the question is again presented: Will you repeal the non-intercourse without adopting any other measure? Sir, had we not better take up the convoy bill, the only measure we have before us to resist the edicts of the belligerents? Gentlemen say they will not submit. Under this view of the subject, will we simply repeal that non-intercourse before we obtain a substitute? If not, let them manifest their zeal for the public good by proposing some adequate measure. As to the President of the United States, I conceive that he has performed his duty, and that we have performed ours in revising the laws and endeavoring to substitute a better measure for the non-intercourse. Whatever the consequence may be, I shall always vote against a naked repeal of the non-intercourse.

Mr. TAYLOR said that it was the duty of Congress, when both Houses had convened here at the commencement of the session, and received notice that the non-intercourse law was unavailing, that moment either to have amended the law or repealed it—and how, asked Mr. T., have we excused ourselves? The proposition which came from the Committee of Foreign Relations, and which involved the repeal of that law, and the embarrassment we met with in relation to that measure from another branch of the Legislature, must plead our excuse hitherto. But that

excuse must cease, and we are come to this point: that the law must immediately be done away, or we must enforce it. Shall we postpone it another day, to-morrow and to-morrow and one day more? It may do here, but I fancy in the great body of the community we shall not be excused. One day is of importance in coming to a decision on this subject. It is well known that with respect to the non-intercourse law I have no responsibility on my shoulders. It was not a favorite project of mine. But, being a law of the land, and evaded and trampled under foot, converted to the advantage of the dishonest part of the community, if it be not the duty of those who passed it to repeal it, it is to enforce it—and I want to know what is my duty. I believe that resistance to the decrees and orders was departed from at the very hour you adopted this law. To be sure, sir, there may be such additions to it as to make it resemble the embargo, and if so amended as to deprive the belligerents of supplies and prevent them from sending goods here, it would be an efficient measure; but short of this, it is worth nothing. And because gentlemen have propelled themselves into Tyber creek to avoid the rain and will not come back, if they alone were floundering in the mud they might stay there for me; but it does appear to me that we are trifling with the rights and interests of the people by this way of procrastinating from day to day a subject of so much importance. I will say to the House that until the vote of Saturday was decided, there was an excuse for not taking up the subject. But it ceased the moment that vote was taken, and now you must do your duty—and the people have a right to say that you must not postpone it for a day nor for an hour. Whatever may be the decision of the House, whether to repeal the law or to retain it, it is proper they should come to an immediate determination on it, in order that the defects noticed in it may be remedied if it is to be continued. It is proper that we should change it from being a system exclusively favorable to the dishonest, to the disadvantage of the honest and patriotic part of the community who obey the law, though not compelled to do so, because they might creep out of it with impunity to a system which shall benefit the fair trader.

Mr. KEY hoped the House would not postpone the consideration of this question. Did any gentleman, he asked, want light on the subject? Could the House be better possessed of it at any time than they were now? Was the subject new? No—for it had been discussed long and often. Every member of the House had made up his mind on the subject. He could not conceive by what reasoning the propriety of its continuance could be enforced. Was the non-intercourse resistance to the belligerents? If it was, it was a most strange resistance, harmless to the enemy and injurious to ourselves. It did appear to him, he said, that the people were waiting in anxious expectation for the repeal of the measure, and had been so for many months. If it was to be continued, it was incumbent on

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the House immediately to enforce it. If it was to be repealed, it was as incumbent on them immediately to act. It was at present a great evil; and having no other imperative business to prevent its being taken up, he asked how gentlemen could justify themselves to their constituents for one hour's delay of a decision.

Mr. SMILIE said that he differed a little in opinion with the gentleman who had spoken last. He said he could tell that gentleman that the honor and independence of the nation, in the opinion of his constituents, was of much greater importance than the repeal of this law. His opinion of the people was, that they would follow the Government in any measures necessary for the preservation of the rights and interests of this country. He cared not whether the question was taken up to-day or to-morrow. He should probably vote against postponement, and then the world would see who was willing to set all afloat and who was for maintaining the rights of the nation.

Mr. W. ALSTON said it was a very easy matter for gentlemen to work themselves up and attach great importance to a subject to which really no importance was due. It was totally immaterial to him whether the question was taken up to-day or to-morrow. What was the question? Simply to repeal the non-intercourse. How came that system into operation? asked Mr. A. It will be recollected, said he, that it was passed at the heel of the session before the last, and continued in force till the session in May. It was then officially communicated to us that an arrangement had been made between this country and Great Britain. The British Government and its agents here thought the law of some importance, and bottomed an arrangement on it. What was the conduct of the Legislature in June? If they had not legislated on the subject, the law would have been gone. We find almost a unanimous vote for continuing it as to France, who had proposed no arrangement. Now it seems to be contemplated by almost every member, that the session will not continue more than fifteen or twenty days longer. If we do not reenact the law, it dies by its own limitation, and we do not ourselves repeal it. There is a great difference between repealing the law and letting it die by its own limitation. It would hold out to the world an idea that we believed the system wrong, that we ought not to have interposed anything between us and the edicts of the belligerents, if we were to repeal the non-intercourse law before we know what measures are taken on the other side of the water in consequence of the dismissal of Mr. Jackson. There is a difference between recording on our Journals absolute submission, and letting the law expire. Notwithstanding the abuse the system has received, it produced the arrangement in April, and has, therefore, been of some effect. Even if I were to agree to repeal it, I should deem it proper to give fifteen or twenty days' notice of it, that no advantage might be given to any one part of the country over another.

The question was taken by yeas and nays on postponement till to-morrow, and negatived—yeas 57, nays 59.

The question recurred on Mr. MONTGOMERY'S amendment.

Mr. RANDOLPH said he really did not distinctly understand the meaning of the amendment proposed. He believed, as far as the rights and independence of the country could be maintained and defended by law, they had got nearly to the end of the tether of legislation. Mr. R. said it had been no part of his intention in submitting that motion to the House to get another discussion on the subject, or an additional amendment to the articles of American independence. I had no wish, said he, to present to the House anything but a naked proposition whether it would or would not repeal a law which our own officers have told us as far as it has force operates mischievously, but which is in fact almost wholly inoperative. This is my sole object, and I wish to try the sense of the House on the question. For that purpose I beg leave to accept by way of modification the words added by the gentleman from Maryland, and ask a division of the question, so as to take the question first on that part which includes my original motion; and if the House do not choose to repeal the non-intercourse law (as it is commonly called, though it consists of two different acts) I shall have the satisfaction of reflecting that I have done my duty in proposing to do away that which I believed to be hurtful to the country.

Mr. McKEE said he did not rise to enter into the discussion of this subject. He was so unwilling that he could not if he were so disposed; but he thought an amendment might be proposed which would make it more acceptable to himself. Conceiving that to be the case, he felt it his duty to move it. He moved to strike out the word "repealed" and insert "revised and amended." If gentlemen would turn their attention to the history of this law, it would be evident to the most superficial observer that the measure had never had a fair opportunity for trial. The very first moment it went into operation, an arrangement was entered into with Great Britain on condition that it should be suspended as to that belligerent.

The SPEAKER said that it might perhaps save the gentlemen some trouble to inform him that his motion, being in the nature of a substitute for the original motion, was out of order.

Mr. McKEE then waived moving his amendment.

Mr. TAYLOR proposed to examine a term which was a very favorite one with some gentlemen, and to ascertain whether that term, as applied to the law proposed to be repealed, had any meaning at all. I hear gentlemen in all parts of the House, said he, talking about resistance, and asking whether we will give up our resistance to the iniquitous edicts of the belligerents? Let us examine the subject seriously, see the effects of the non-intercourse system, and ascertain whether it does produce resistance. We complain that

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Great Britain's monopolizing disposition has, for years back, encroached on our rights. The gentleman from New York went centuries back to show a disposition in Great Britain to have her merchantmen the carriers of the world. This, then, is her policy, and in resisting that policy we condemn our own vessels to go to Amelia island, Madeira, or elsewhere, and the British carrier from Amelia island to Great Britain is completely the monopolizer. They get more for the freight of produce from Amelia island than they would get if they were to come into Philadelphia, New York, or Baltimore. You give them a monopoly of carrying the whole produce of the United States across the Atlantic at a greater price, and under greater advantages than they would have if their vessels were allowed to come into our ports, inasmuch as they would have to compete with our vessels and conform to the regular prices. This is the effect which men of business are obliged to acknowledge proceeds from the non-intercourse law. What is our object? To produce a different sentiment in the belligerents towards us? Do you suppose that by securing a monopoly of the carriage of the produce of the United States to Great Britain, she will, therefore, be disposed to act more friendly towards you? On the contrary, you give her a premium for her unlawful and iniquitous conduct towards you. The ruler of the destinies of the French nation, and of the European continent, has his views, also, completely answered. The policy of Bonaparte is to destroy commerce. You want to change that policy. How do you get to work upon it? By pursuing the very policy he advocates. Is it resistance to the belligerent edicts to favor the interest of one Power and fulfil the views of the other? Whether it be the interest of the French Emperor to destroy commerce, we will not examine, but we know that it is his settled policy. Do you call this resistance, sir? I am at a loss for words to express the strange confusion of ideas presented by the reiterated exclamations of "will you cease to resist?" I might go back and review the famous report of the Committee of Foreign Relations, to which the gentleman from Connecticut (Mr. DANA) has called our attention, (to the doctrine laid down, in which I still subscribe,) to show that, so far from being resistance, the present non-intercourse system is submission. Gentlemen forget when they tell us that this very non-intercourse did produce the arrangement with Mr. Erskine. We Embargo-men think the pressure occasioned by that measure produced it, and believe that it would have been carried into effect, if the Legislature, instead of countervailing, had not actually answered the interest of the Powers we were to resist.

See, sir, how this operates with respect to our imports. One certain effect produced by it is, that the Treasury has ceased to receive duties on goods, and it is well ascertained that there is not a greater scarcity of British goods in the market of the United States than there was when this law passed; and we should be informed of the

cause, if we could at once call a witness from Amelia island to tell us of the thousands of bales piled up there to be smuggled into the United States. We need not go so far for a witness, for I believe a contract to any amount may be made for the delivery of goods which come in in violation of the law, in any cellar or store of Philadelphia, Baltimore, &c. Not to mention the loss of revenue, the demoralization of our citizens is sufficient reason to repeal the law. It can only be justified as producing great and positive effect on your adversaries. I can see no resistance in it, but, for the sake of argument, say that it is resistance, let me inquire who bears the brunt of this resistance? The eatable produce of the agriculture of the United States will go to the best markets in the world, notwithstanding their orders and decrees. Where are they? The British West India islands, and even the island of Great Britain, and some parts of Spain. They may go a circuitous route, but they still go to the best market. The cultivator of eatable products is not much affected by this system of resistance? The weight of the non-intercourse system rests not upon his shoulders, but I will tell you upon whose it does. The tobacco and cotton of the United States are not only consumed in Great Britain, or in her islands, but find a market all over Europe. By the present non-intercourse law, the trade in these articles receives the same bent in the voyage as other articles; but that is not all. We export eighty-five thousand hogsheads of tobacco, of which, but about fifteen thousand are consumed in Great Britain. We also export something more than sixty millions of pounds of cotton, of which little more than one-half is manufactured in that country. The whole quantity of these two exports is, nevertheless, by the force of your own law, propelled into that glutted market.

Is this fair, sir? Flour, beef, pork, and so on, go to the best possible market they could go, whether this law and the orders and decrees were in force or not; whereas, by your own act, you compel the article of tobacco to go certainly to a glutted market. If a coercive measure is to be adopted and maintained, for God's sake, let it be a general one, and do not let the whole burden of it be imposed on the tobacco and cotton planter. Any man can see that the brunt of the battle, if it be a battle, if it be resistance—which, by the by, it is not—is borne exclusively by the Southern planter and grower of tobacco and cotton. If there must be resistance, let us have a common stock, and not impose the burden of it exclusively on the two classes I have mentioned.

Some say that these difficulties in commerce may serve to encourage our Eastern manufactures. If it be the object of gentlemen to support and encourage manufactures, let them come out and say so, pass laws for the purpose, and not, in this under-hand mode, impose difficulties on one part of the community to increase the wealth of the other. The growers of cotton and tobacco will put their hands in their pockets if you require contribution, but it is unfair, by this indirect mode, to impose difficulties and restraints upon

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them for the purpose of encouraging a different class of the community. It is not dignified in the National Legislature to pursue an object, no matter how laudable, in this indirect mode. If this object is sanctioned by the Legislature, there ought to be, at least, an equal taxation for the purpose. It would add to the unpopularity of such a measure to say that, over and above the inequality of the benefit conferred by it, those who would bear it most, should bear more yet for the purpose of supporting the industry of the other parts of the United States. I wish our manufactures to prosper; I believe our friends across the Atlantic are aiding them. They encourage our manufactures in the same way as we encourage their commerce. We seem to be playing at cross purposes with each other. If the design in continuing the non-intercourse is to encourage manufactures, all our acts ought to be open and above board, and the imposition ought to be equal on all parts of the community to render it a proper measure to be adopted by the Government of the United States.

I conclude then, sir, as far as I understand the meaning of terms, that the non-intercourse law, so far from being efficient, actually plays into her hands, and adds to the advantages Great Britain intended to derive from her Orders in Council and blockading decrees, and that, as to France, it completely answers her views. It affords advantages to your enemy whilst it distresses yourself; and, whether we are to receive despatches by the John Adams to-day or to-morrow, is altogether unimportant as to the decision of this question, for, if it is announced by this vessel that Great Britain continues her unjust conduct towards us, the continuance of the non-intercourse will not make her change her course. She knows her interest too well. She will continue to enjoy the monopoly you have made for her. And, if France continues her policy, the continuance of the non-intercourse will not make her change her policy, but will further it. Reverse both suppositions, and there will be still greater propriety in repealing the non-intercourse.—Whatever tidings are received, you can not go wrong in repealing the non-intercourse system.

Some gentlemen seem to imagine that the repeal of the non-intercourse should be simultaneous with the adoption of some other measure. I care not what course gentlemen mean to take with the public business. The repeal of the non-intercourse would not interfere with the convoy bill, nor prevent us from raising fifty thousand, or one hundred thousand, regulars, or equipping the whole Navy. On the contrary, I believe the receiving a little money would aid in the accomplishment of either of these objects. The question at last is, will the House now repeal this useless law, or suffer it to expire by its own limitation? Its immediate repeal will not compromise any man as to subsequent measures, but I will tell you, sir, what it will do. It will relieve the public anxiety from one end of the country to the other. It will relieve the merchant, and planter, and agriculturist too, from an immense

burden; it will relieve your citizens generally from the demoralizing effects of the system, and will add considerably to your revenue.

Mr. MUMFORD.—I rejoice to hear the gentleman from Virginia bring forward this motion, as I consider it the harbinger of the removal of all our commercial restrictions, which no one is more solicitous to do away than myself; but while I am thus disposed to take off those restrictions occasioned and imposed by the outrageous conduct of the belligerents, let us at the same moment extend the right arm of protection, as far as we are able, to the defenceless commerce of the United States, and with that view I do most cordially second the motion of the gentleman from Maryland, (Mr. MONTGOMERY,) a motion that will place the question fairly before this House, whether we will maintain the honor, the independence, and just rights of our country. Sir, it is high time some decisive steps should be taken in order that the people might know what to depend upon. I have been uniformly in favor of the non-intercourse, not that I preferred it, but because I would not give it up without a stronger substitute, and wished it enforced for months past. But if gentlemen will not consent to put means in the power of the Executive to execute the law, I have to regret it, and as I do not perceive any real change likely to take place in the conduct of the belligerents, I am now more and more convinced that our only alternative left, and our true policy in my opinion, is to resist by convoy, in the best manner we can, and carry on our trade with both of them. To repeal the non-intercourse without substituting the convoy system, will practically, in its operation, confine you to the British market almost exclusively, and I would ask the gentleman from South Carolina (Mr. TAYLOR) where is the difference? Whether you go to Fayal or Maderia or Amelia island entrepot, or to the monopolizing entrepot of London or Liverpool, you are still deprived from carrying his cotton and tobacco, to the consumers in continental Europe. And as to confining our trade to Great Britain only, it is all in vain to say it can be carried on to advantage, when she herself is daily straining every nerve to introduce your commodities into the very markets where you as an independent nation ought to go yourselves. Immediately after the arrangement with Erskine was known in England, down went cotton and tobacco and other articles so low that many American merchants had ruin staring them in the face, their bills were noted for non-acceptance and the produce of our country so reduced in price, as in all probability would not net them ten shillings in the pound, when all at once the renewal of the non-intercourse revived their drooping spirits, and instead of eleven pence for their cotton, they obtained from twenty-two to twenty-four pence per pound, and saved them from utter ruin, and put money into their pockets. And although it may appear paradoxical to some gentlemen, the roundabout entrepot does operate upon the English market in a certain degree to increase their difficulties to obtain our produce at low prices, and having a

scanty supply come into their market at enormous high prices, must necessarily increase their expenses on the articles they receive from us; and every means we can employ to operate upon and increase their expense, will most likely tend to procure us at least common justice, and I ask no more from either belligerent. But, say gentlemen, this operates on the grower of cotton. I believe all the cotton sold of the last year's crop has obtained on an average a higher price than it did at any time between the 19th April and 9th August, the period of time between the Erskine arrangement and the President's Proclamation renewing the non-intercourse with England, which so completely overstocked that market, that scarcely any sales could be made. As we hear so much about tobacco and cotton reiterated over and over again, let us examine where it went, when our commerce was left free to itself in 1804. About 75,000 hhds. were exported—15,000 hhds. of the prime quality is sufficient for the British market, and about 60,000 hhds. of the second and third qualities went to other markets, from which the Orders of Council and the blockade or paper orders now shut you out, and if compelled to sell in England, must be done at an enormous sacrifice for the benefit of the monopolizers. In respect to cotton, I have only to repeat what I have already said on a former occasion, that the prices of upland cotton on the continent of Europe, with much less duties than they pay in England, are, in France 100 cents, Holland 80 cents, Denmark 50 cents. If you repeal the non-intercourse to-morrow without substituting some plan by which the continental Powers can ascertain that the property you send there is really and *bona fide* American, and that they can distinguish us from the English forgeries, you cannot obtain insurance for 50 per cent., even if the vessel was in Bordeaux river, whereas in my opinion, if you send them under convoy, it can be done at 15 per cent. and perhaps less.

As this miserable money-making system appears to have obtained the ascendancy over the rights and independence of the nation, let us now examine the effect of the orders and decrees of the belligerents on the fiscal concerns of the United States, and for this purpose I have selected from the lucid and comprehensive report of that able officer who presides over the Treasury Department with so much honor to himself as well as to the nation, and whom I have known more than twenty-five years, always as amiable in domestic life as he is deservedly respectable in public life, and who as well as many other virtuous men have had the shafts of calumny darted at them from one end of the continent to the other by anonymous slanderers; for in modern days it seems, that if a man can wield a frame of types and lamplblack he sets himself up for censor general; yet truth is eternal, and will ever rise triumphant over falsehood. Let us now proceed to the Secretary's report made to this House on the 28th February, 1806. I have chosen the years 1802, 1803, 1804, when our commerce took its own natural channel, and when there were no orders

nor decrees violating the lawful commerce of the United States. It appears by the report that the balance against the United States between the imports and exports with Great Britain amounts to about fourteen millions of dollars per annum, and that the balance in favor of the United States between imports and exports with all other countries amounts to six millions three hundred thousand dollars. The net revenue derived from imports from Great Britain, six millions two hundred and twelve thousand dollars. Net revenue derived from imports from all other countries, six millions two hundred and fifteen thousand dollars. Thus far I have extracted from the official report. Let us now make an estimate from opinion, of some other items, made up, it is true, from no certain data, and consequently arbitrary and subject to error in judgment, but not with intention to mislead; it is however conceived to be sufficiently correct, to form an opinion from. I shall commence with the carrying trade, or the freight obtained by American vessels for transporting the produce of our own soil, as well as the productions from and to foreign countries. We have heard so much about this mighty stalking horse, commonly called by some gentlemen the extraneous fungus on the body politic and commercial, that we shall now see whether it is worth while for the elder sister, agriculture, to abandon the young sister, her handmaid, to her fate, and turn her loose upon the world without a friend to foster, to aid, or protect her; and as money appears now to be the order of the day, I shall state, that the probable profit on the carrying trade for one year was \$23,398,185, calculated on the official report of the tonnage made up at the Treasury Department for 1804, by which it appears there was 672,530 tons of American vessels employed for one year in the trade with foreign countries, and it is conceived that the increase of tonnage since that period will more than compensate for the same number of years preceding 1804, when it was less. It is presumed that about one-third of the above tonnage is employed in the West India trade, which is about the proportion of our exports to that quarter of the world, and that about three-fourths of the tonnage is employed in the European trade, including a proportion beyond the Cape of Good Hope, say 168,132 tons in West India trade, calculated only on two voyages a year—some make three voyages, but that I will throw in for contingencies; average freight at about \$12 per ton for one voyage is \$24, for two voyages per ton for one year, is \$4,734,168, say 504,398 tons employed in European trade, and some beyond the Cape of Good Hope. Those vessels trading to Europe generally perform two voyages a year, and some two voyages and a half, and it is presumed that those which make two and a half voyages, will more than compensate for the one voyage a year beyond the Cape of Good Hope. The general average of freight to Europe was four pounds sterling or \$17 76 cts.; one voyage \$35 53 cts. for one year, is \$17,664 cts. The charges to be deducted paid in foreign countries, it is presumed,

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will be discharged by the return freights (not included in the above) and profits on the return cargoes; and the charges retained in the United States are seamen's wages, provisions for the vessels, American manufactured articles, mechanics and laborers' work, ship chandlery, insurances, other contingencies, and the balance for ship-owners' profits.

Some gentlemen have said they would not protect this extraneous trade. Sir, I should like to know how you can separate the property you receive from foreign nations in exchange for the productions of your own soil, (for since our capital has increased we can make more money in carrying goods on our own account, than we can for other nations,) it becomes so interwoven with the mass of your own products that you cannot touch the one without affecting the other. Let us now examine how this freighting business is distributed—the probable gain for one year on the transportation of \$68,461,000 exported to all the world from the United States. To England—the proportion for that country is taken from the amount of exports, which are about one-third of the whole, and the freight is in dollars \$7,466,061; to all other countries—the proportion for all other countries is likewise taken from the same official report of exports, and are about two-thirds, the freight on which amounts to \$14,932,124. There is also an official item on revenue, arising as the Secretary states from the carrying trade, and making altogether \$850,000, the greater proportion of which is derived from our commerce with continental Europe. Let us now examine the probable gain to the United States on the amount of exports to Great Britain, \$23,330,147; I shall estimate it at ten per cent., and which is a very liberal allowance, as it is doubted by many whether it will come up to that rate, especially when we take into consideration that there is a greater proportion of failures among merchants who trade exclusively to Great Britain in the produce of our own soil, than among the same number of other merchants who trade in the same commodities with all other countries; say ten per cent. profit on exports to Great Britain, is \$2,330,147; the probable gain on exports to all other countries will be about, from estimation, fifteen per cent., and here no account is taken of the exchange, because it has heretofore been against the continent of Europe, (now twenty-five per cent. against England,) but of late years it has been more than compensated in their favor, and will more than make up for the loss on the exchange formerly paid by the United States in their remittance from the Continent, to pay that constant drain. we have been obliged to supply, to make up for the balance of the fourteen millions of dollars against us in our trade with Great Britain. The amount of exports to all countries except Great Britain, amount to \$44,653,344, at fifteen per cent. profit, is \$6,698,001 for the gain on that trade. Any gentleman who will take the trouble to add up those items, will find the result on the political economy and fiscal concerns of the United States to be as follows:

The British Orders of Council and paper blockades operate on the moneyed concerns of trade and revenue of the United States, with all other countries, as below, \$34,159,135 per annum.

Official Estimate.

Revenue derived from our trade with all other countries, except Great Britain	- \$6,215,000
Gain between imports and exports	- - - - 6,314,010
	<u>\$12,529,010</u>

Estimate by opinion.

Probable gain by freight	\$14,932,124
Probable gain by profit on exports, at 15 per cent.	- - 6,698,001
	<u>21,630,125</u>
Total	- - - - \$34,159,135

The decrees of Continental Europe operate on the moneyed concerns of trade and revenue of the United States with Great Britain, to amount of \$16,008,208, viz:

Official Estimate.

Revenue	- - - - \$6,212,000
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Estimate by opinion.

Probable gain by freight	- 7,466,061
Probable gain by profit on exports, at 10 per cent.	- - 2,330,147
	<u>16,008,208</u>

Balance, showing that the Orders of Council exceed the decrees of Continental Europe, by the sum of	- - - - \$18,150,927
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The final result is, by the above calculations, that the British Orders of Council and paper blockades operate on the fiscal concerns of the United States above eighteen millions of dollars per annum more than the decrees of Continental Europe. All the above calculations are made to show the importance of carrying the productions of our soil direct to the consumers, (which, as an independent nation, we have an undoubted right to do, contraband excepted;) and I take it for granted, that Great Britain will not relax in her uniform studied system against your commercial prosperity. Her Minister has most unequivocally told you that His Britannic Majesty will not cease to maintain the right to blockade on paper. It is very true that she did not modify her Orders in Council, in words, because she perceived that the enormous tribute of sixteen cents per pound on cotton, and other articles of the productions of your soil in proportion, caused so much, and very justly so, too, of indignation among the American people. She then only changed the name from *orders to paper blockades*, which, in the operation, as it relates to our products, is the same thing in its effects. She may amuse us with Ministers of high rank, and pursue her old Machiavelian policy, but I have no idea that her monopolizing system will even allow us to carry our own commodities to Continental Europe, unless she discovers that we are determined to assert our just rights. We must judge of her as we do of other nations—from her past

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conduct in the history of the world, and which was detailed by me a few days ago in this House; from which it did appear that for the last four hundred years she had constantly, in succession from that period up to the present day, committed depredations and aggressions upon the lawful commerce of innocent neutrals; and we certainly have no reason to think that either of the belligerents will change their systems, merely on account of our commercial restrictions. They may temporize with you, but I doubt much if you come to any definitive agreement with them.

Mr. McKIM said, he was not insensible to the injuries we had suffered from the non-intercourse law, though he was far from viewing it as some gentlemen had done. He said he had always been disposed to repeal the non-intercourse law, whenever it could be done on terms consistent with the rights and honor of the nation; and, that the Committee might have a full view of the subject, he said he would contribute his mite; and moved to amend the proposition now under consideration by adding to it the following words: "And that provision be made by law for prohibiting importations from Great Britain and France, or their dependencies."

Mr. RANDOLPH accepted the amendment, and called for a division of the question, so as to take it first on the naked proposition for repealing the non-intercourse law. He suggested, however, to the Speaker, whether there was not a discordance between this amendment and that offered by the gentleman from Maryland, (Mr. MONTGOMERY;) and whether it might not operate as an ouster of that part of the resolution?

Mr. LIVERMORE said that attempts had been made to divert the attention of the House from the real question before them, viz: whether the House would now repeal the non-intercourse, or leave it till the end of the session? For what possible good could it be continued to the end of the session? It was acknowledged on all hands that it had done no good; and the House had been officially told that it was a dead letter. For what purpose, then, could gentlemen amuse themselves with talking about resistance, and about the report of the Committee of Foreign Relations, which had declared that the embargo or war were the sole measures of resistance? Why embarrass the question any further? The fair, honorable, and magnanimous course would be to repeal the law. It was wrong to be so pertinacious in any measure from which they could not pretend that any good could arise. If the session was to continue only three or four weeks, the refusal to repeal the non-intercourse law could only proceed from the pride of consistency, or from not paying that attention to the public interest which it was their duty to do. Mr. L. contended that no argument could be drawn from the arrangement in April last in favor of the non-intercourse, as that arrangement had been made without authority.

Mr. McKEE said, as his former motion had been declared out of order, he could get at his object by rejecting the proposition under consideration, and substituting another for it. The only way in

which Congress could act on this subject, consistently with a respect for themselves, was to repeal the non-intercourse entirely, or to revive and re-enact it. It was admitted, that, as it now stood, the non-intercourse had no coercive influence. The question had been taken into consideration at the commencement of the session, and a measure proposed, which he had at that time considered as calculated for the interest of the country, which had been denounced as not containing sufficient energy. Even the non-intercourse was said to be more energetic. That measure which he alluded to, however, was gone, and it was in the power of the House to originate a similar measure. Mr. McK. said he wished now to see whether those who had been in favor of the non-intercourse in preference to the measure which was proposed, would agree to enforce the non-intercourse law. With this view, (should the proposition now under consideration be rejected,) he said he should make the proposition he had just mentioned. As to the observations relative to the interest of the Southern country, Mr. McK. said he could inform gentlemen that there was not an individual in the remotest regions of the West but felt an interest in the measures of Government; and that the obstructions to commerce were as severely felt by the planters of the Western country as by the farmers of the Atlantic States: they were the growers of the very articles mentioned by the gentleman from South Carolina. On this subject, there was but one wish throughout the country, viz: to procure the repeal of the British orders and French decrees. And how was it to be effected? Could it be expected, if our Administration asked of Great Britain as a gratuity to repeal her Orders in Council, that she would do so? History, said he, gives a negative to such a supposition. You must show a measure to affect their interest before you ask them to repeal measures injurious to you. I regret—most sincerely regret—that the measure which passed this House at the commencement of the session was not viewed in a different light. If any measure can be proposed by any gentleman which would justify a hope that at any future period the belligerents of Europe will be disposed to relax their restrictions, I shall be happy to hear it. No member can submit to the present situation of things. If there be such a man within these walls, he is not an American, nor worthy the name of a citizen; for any man who can submit to the right of the belligerents to circumscribe our natural rights, would, if it was his interest, yield the right of self-government. If we yield up our right freely to navigate the ocean, we yield up our independence. It is a part of our independence to have a free commerce. Commerce is shackled, and cannot be free, under the present regulations of Europe. I ask whether it is not a duty which we owe to God and our country to oppose this state of things?

Mr. ROOT said, perhaps he had as ardent a desire to get rid of any restraint upon commerce as any member; but he was unwilling that our vessels should be invited, for such would be the

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case if the non-intercourse was repealed, into the ports of the rapacious mistress of the ocean. Set our vessels afloat, said he, and you would invite that rapacious Government to seize upon an immense property, and then, according to custom, make war upon you. I wish, however, that the non-intercourse should be repealed, and something substituted in its place; and with that view, I have prepared an amendment, which perhaps the courteous gentleman from Virginia will not receive as his own. It is to alter the resolution so as to read "shall be repealed when provision shall have been made by law to defend the rights, &c., of the United States."

Mr. RANDOLPH said, his object was not to waste any more words on this subject, but he rose purely for the purpose of clearing up a misapprehension. He said he had understood a member from Kentucky (Mr. JOHNSON) to express his regret that this House should have its time consumed to-day in deciding a question solemnly decided only on Saturday, viz: Shall the non-intercourse laws be now repealed? If, said Mr. R., I had so understood the decision of the House, on Saturday, I should not have offered that motion. But what in fact is to be gathered from the acts of the two Houses on this bill? A bill goes from the House of Representatives which repeals the laws prohibiting commercial intercourse between us and the belligerents; it contains also a system relating to American navigation. The other House strike out the navigation system and send it back, and it surely cannot be fair to infer that that clause of the bill to which neither House took exception contains a proposition which the other House has settled in the negative. Is it not a fair inference that, neither House having objected to it, both were of opinion that these laws ought to be repealed? If this House had been of opinion that these acts ought not to have been repealed, they would have stricken out the clause when the bill was before them; either House would have done the same; but neither having done it, the inference is, that no exception ought to be taken, on this ground, to a motion for an immediate repeal. My first act on coming here, as soon as the forms of the House would have permitted it, would have been to lay upon the table a resolution for repealing that system. A bill, however, having for its object the repeal of the non-intercourse system, was then pending between the two Houses. It is lost, and I again present the question to this House. I present it because I deem it my duty so to do. When I return home, if I be asked why this system, which stands branded with infamy on the Treasury books, which no man has the hardihood to advocate, is suffered to continue, if I had, like other men, sat sluggishly in my seat, and silently submitting to it, I should consider myself responsible for the mischief or disgrace resulting from a continuance of it. The moment the fate of the bill which has been lost was determined, I relieved myself from any part of the odium of continuing the system which might have attached to me. Gentlemen, on the contrary, are anxious

that this glorious system should continue for three weeks; that we should adjourn and let it die. Well, sir; great is the Diana of the Ephesians! The House has it in its power to do as it pleases. If the system be prolonged, my anxiety is, that it shall be no conduct of mine, passive or active, and I hope to have a direct vote on the question. The House can as well act on the subject in one day as in seven years. There is nothing *de novo*; every man's mind is long ago made up upon it. If gentlemen see something so charming in this system that they will not give it up till death do them part, so be it. With respect to all the rest, as to the amendment proposed, for bolstering up our independence, &c. I have not a word to utter. I really could wish that less was said in this House about the independence of the United States. I do not think it creditable to us. It looks as if we had not an assurance of our independence—as if we doubted or were afraid of some flaw in our title; and I should be sorry to see that spirit which dictated it invoked, not for the purpose for which alone it should be called up, but to answer the ordinary occasions of political life. A great deal has been said, sir, about the spirit of seventy-six. What is it? A spirit which calls upon the nation to guard against abuse in Government—a spirit which resisted the unconstitutional and arbitrary measures of the Government of that day, a spirit which darts its penetrating eye always into abuses of Government at home. It is the genius of investigation—the spirit of resistance—it has nothing to do with foreign prejudices and partialities. The very moment the Treaty of '83 was signed, the spirit of the American Revolution became, as to foreign nations, neutralized. We took our rank among the nations of the earth, and stood upon equal ground with any of them. I am sorry, sir, to be hurried into these observations; but I do think that the public mind ought not to be artfully led away, under a cry of the spirit of '76, from objects to which that spirit would direct us—the union of military and civil offices in a single individual—a tyrannical Governor Gage at Boston, rendering the military superior to the civil power, and protecting them by mock trial from punishment; arbitrary and oppressive laws, cutting off our trade to all parts of the world—a Legislature turning a deaf ear to petitioning citizens. These, sir, are the objects to which the spirit of '76, and of the Revolution, naturally guide us. The moment you invoke it to support your independence against Great Britain or any foreign Power, you do by a sort of *ex post facto* act bastardize your own pedigree—you seem willing to concede that we are not an independent people. The spirit of the Revolution is invoked to induce you to resist—what? Great Britain. Sir, it is not a spirit of opposition to foreign nations, but a spirit of resistance to corruption and tyranny at home. We want no Revolutionary spirit to rouse us to assert and defend our right to a place among the nations of the earth, but to induce us to sift carefully and pertinaciously every abuse of the Govern-

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ment at home. It is not worth while in a foreign contest to be repeating our Declaration of Independence. It is a black catalogue of crimes which never were nor never can be committed by a foreign Government upon an independent State, but by a Government upon its own people, and against these we ought to guard. Against foreign aggression we want nothing more to support our rights than the spirit of ordinary men.

Mr. JOHNSON repeated his former remarks that the House did vote upon a solemn argument that they would not repeal the non-intercourse, without a substitute, and was again presented with a proposition to repeat the non-intercourse without allowing him even the consolation of voting at the same time for the exclusion of British and French armed vessels from the use of our waters, which provision perhaps would have passed by an unanimous vote of the House. Sir, said he, we were told by the Secretary of the Treasury, when our Treasury was full, that we had our choice either to oppose the British orders and French decrees, or to reduce the expenditure of our Government. If at a time when we might have taken this humble part, which was submitted to our choice, we would not relinquish our opposition to the edicts of the belligerents, I ask whether we shall do it now? The independence of my country is as sacred to me this day as when the embargo was laid. I voted then against taking this humble part, and will at this day. It is a libel on the people of the United States to say that they will not resist the decrees of foreign nations. They have to this day had confidence in you, and now are in suspense whether they shall continue it or not. We are now called upon to record another argument in support of these, urged by those who say that a Republican Government cannot long exist. Sir, I will not agree to register a resolve which shall speak that language.

Mr. J. was proceeding when he was requested to give way for a motion to adjourn, which was carried.

TUESDAY, April 3.

Mr. NEWTON, from the Committee of Commerce and Manufactures, presented a bill for the relief of Anthony Buck; which was read twice, and committed to a Committee of the Whole on Friday next.

A message from the Senate informed the House that the Senate have passed a bill, entitled, "An act to amend the laws within the District of Columbia;" to which they desire the concurrence of this House.

GENERAL WILKINSON.

Mr. PEARSON called for the consideration of the following resolution, offered by him on a former day:

"Resolved, That a committee be appointed to inquire into the conduct of Brigadier General James Wilkinson, in relation to his having at any time whilst in the service of the United States corruptly received money from the Government of Spain or its agents, or

in relation to his having, during the time aforesaid, been an accomplice or in any way concerned with the agents of any foreign Power or with Aaron Burr in a project against the dominions of the King of Spain or to dismember these United States. That the said committee inquire generally into the conduct of the said James Wilkinson, as Brigadier General of the Army of the United States—and that the said committee have power to send for persons and papers, and compel their attendance and production, and that they report the result to this House."

The House agreed to consider the resolution, 84 to 16.

Mr. LOVE called for a division of the question, so as to take it separately on the two branches of the resolution. Though he should vote against the whole, he said he should like to hear any arguments by which the House could be justified in making an inquiry into the conduct of General Wilkinson in relation to the Army.

Mr. PEARSON said it was immaterial to him how the resolution was dissected. His object, he said, was a fair investigation into the conduct of this man, who held so high a station under the Government of the country. As to the inquiry had on the first part of this resolution, he considered it a mere nothing. Since that time, too, farther light had been thrown on the subject. As to the other part of the resolution, which had been objected to on the ground that the House had not the power to make the inquiry, Mr. P. said he was of opinion that it was competent to the House to make the inquiry, if it was not made by any other authority. Perhaps the best answer to the remark would be the question: If they had not power to inquire into the conduct of a General, had they the power to inquire into the state of the Army and to the causes which had produced mortality in it? As far as he should be concerned in the business, in any way, Mr. P. said he should endeavor to act without prejudice to the officer.

Mr. QUINCY expressed his surprise at the gentleman's calling for a division of the question, when he had expressed his intention to vote against the whole.

Mr. LOVE said it was quite sufficient for him if he could satisfy himself and the House of the propriety of his conduct without satisfying the gentleman from Massachusetts. He had called for a division of the question, because on the first point an inquiry had already been made by the most proper authority. The second part of the resolution went to invade the province of the Executive, who was responsible for continuing in office an officer guilty of the impropriety alleged. Gentlemen might vote for either member of the resolution and yet not for the whole.

Mr. PITKIN said that this was an inquiry which the nation expected, and indeed had long demanded at their hands, I know it has been said (observed Mr. P.) that we have no right to inquire into the conduct of the Commander-in-Chief of the Army of the United States. I have reflected on the subject considerably, and have made up my mind that this House, as the grand inquest

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of the nation, have a right to make this inquiry. I might ask gentlemen to reflect what has been done by legislative bodies in other countries. What was done by the House of Commons in England in relation to the Duke of York, who was the Commander-in-Chief, and second son of the Monarch? An inquiry had been had into his conduct as Commander-in-Chief, for speculating in commissions. His whole conduct was particularly inquired into, and they went so far as to scrutinize not only his public conduct, but, connected with it, his private conduct also. Suppose the Duke of York had been charged with being a traitor to his country and receiving a pension from a foreign Government? If they, a legislative body, could bring before them the son of a King to answer for his conduct, shall it be said that we cannot inquire into the conduct of the Commander-in-Chief? Suppose General Wilkinson had been accused of squandering the money of the country—and I believe it is a fact that he has received and yet holds money of the United States to the amount of ten or twelve thousand dollars—should we not have a right to inquire into his conduct? I believe our power is as extensive as that of the British House of Commons, and the King of England dared not object to having his son called before them to answer for his conduct. I hope never to hear it said on this floor, when the commander of an army is accused of being a foreign pensioner, that this House has not the power to make an inquiry into facts. I hope we shall not establish a precedent in this country, which shall leave to the House of Representatives less power and independence than the House of Commons has in Great Britain. If we have not the absolute power of removing the Commander-in-Chief, we have a right to request the President of the United States that he would at once exercise the Constitutional power of removing him; and, if he does not remove him, we have the power to say that there shall be no longer an army with a commander at its head. If the Executive did not do its duty in removing the officer, we should in such case do ours by abolishing the office.

If we refuse making this inquiry, sir, it will be a severe blow at the power of this House. I call the attention of gentlemen to what has been done heretofore by the House on this subject. No inquiry has been instituted by the House; an inquiry was instituted to be sure, the result of which is known. It will be recollected that, by a special resolution of the House, a gentleman, then a delegate from the Territory of Orleans (Mr. Daniel Clarke) was called upon to state his knowledge in relation to General Wilkinson's former connexion with the Spanish Government. He did make a statement, which was sent by this House to the Executive, but never laid before the court of inquiry as a court of inquiry; it could not be, because it was not taken according to the rules of evidence prescribed in such cases. Mr. Clarke was summoned before the court of inquiry, but did not think proper to attend. It is well known also that certain other papers were submitted to

the House by Mr. Clarke, which were read and printed, and are now in possession of the House; and, as they are before us, it may not be improper to call the recollection of gentlemen to them. If the House went so far as to call upon any person for information on the subject, it was a partial inquiry. If we have not the power to inquire by a select committee, we have no power to inquire at all; and yet we have inquired partially into the subject. [Mr. P. read some of the documents heretofore submitted to Congress, making a few comments on them.]

These papers, said he, are before the House and the nation—and I would ask whether, when we have this evidence staring us in the face, (which if true, makes Wilkinson a Spanish pensioner,) they will say we have no right to make the inquiry? Sir, it is due to the character of the Commander-in-Chief of our Army, as well as to ourselves, that the inquiry should be made. If Daniel Clarke is perjured and has told an untruth, let it be known to the world that what he has said is not true. Mr. Clarke was in a situation in which he could have known the fact, if it was true. If the facts stated by Mr. Clarke are true, General Wilkinson ought not to hold his commission an instant. And if the President was satisfied of the facts, and did not remove him, I would impeach him. If he was satisfied that an officer in the Army was a Spanish pensioner, and did not remove him, he ought to be impeached; and in this opinion every one would join. The man who would suffer the President unnoticed to do so, is unworthy a seat in this House.

I have not been inattentive to the course of proceedings in this case since I have had a seat on this floor. So far as I have had access to papers, I have examined them with some attention. It would be scarcely possible for me to hold a seat on this floor, under the idea that Congress could not inquire into this subject. Is this inquiry to be instituted from suspicion merely? Does it originate in personal enmity? I hope not. I have no acquaintance with the Commander-in-Chief; but it is impossible for me to remain on this floor and shut my eyes to the facts presented to this House and to the nation respecting him. And, sir, shall we remain quiet and unconcerned, when many men do not hesitate to believe that this man has been a Spanish pensioner for many years, and he is still suffered to be Commander of our Army? Ought he not to have an opportunity to wipe away these stains and these suspicions? This object cannot be accomplished by a court of inquiry composed of officers who are under his control. It will be no inquiry unless instituted by this House and probed to the bottom. I do hope therefore that those gentlemen who are opposed to this inquiry (for some it seems there are) will state their reasons. The Commander of your Army ought to be, like Cæsar's wife, not only pure, but unsuspected.

This, sir, is not the business of a day. Not only have facts been stated to this House, but they have gone abroad amongst the people, and their suspicions, like those of WASHINGTON in his

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day, are "wide awake." Even one of his own officers has stigmatized him as a traitor, liar, and scoundrel, and, when summoned to answer for his conduct, undertook to prove it before the court. He was sentenced to be suspended for one year and to lose his pay for that time, and it was recommended by the court which sentenced him, that his punishment should be mitigated! What can be the situation of an army in which such allegations against the Commander-in-Chief are so slightly punished? The officer ought to have been cashiered if he had said that which was not true. If the Commander-in-Chief be suffered to remain in office when treated thus, your Army will not be worth a straw. What will the nation and the world think of it? We ought not to shut our eyes any longer on the subject; we cannot. We shall be guilty of a neglect of duty if we do. It is a duty we owe to the people that the inquiry should be instituted, that, if true, his guilt may be proclaimed—if false, that he may be reinstated in the confidence of the people. It is equally due to him as to the people that we should pass the resolution.

Mr. RHEA said, as he had voted against considering the resolution, and meant eventually to vote against its passage, he would state the reasons why he did so. As to the Duke of York and his mistresses, Mr. R. remarked, we have nothing to do with them. We have a Constitution in writing, by which we are to be guided. The proposition is true, that if the President thinks General Wilkinson a Spanish pensioner, and does not remove him, he ought to be impeached. But it unfortunately happens that it is a hypothetical proposition. If the moon were to come in contact with the earth, we should have a dreadful crash indeed; but all depends on *if*. I was witness long ago to a discussion on this subject in the House of Representatives. I was then against doing anything in it, and was for leaving it to that tribunal in which the Constitution has placed it. There can be no object for which we can make the inquiry, unless for impeachment. If not to that end, we are spending time improperly. It is as to us, unless impeachment be in view, *coram non judice*. Impeachment is confined to civil officers; there is no power given to Congress to impeach a military officer. Until it be made appear that we have the power to impeach the Commander-in-Chief, I must continue to vote against the inquiry in every branch of it.

The President will not be obliged to pay any sort of attention to what we may do in the case, because we are stepping out of our Constitutional powers and taking up business with which we have nothing to do. A court of inquiry cannot admit testimony not legally taken—and do we not know that when Daniel Clarke was called before the court of inquiry, he refused to appear before that tribunal? There was an opportunity offered to his accusers, a Constitutional legal court, and they refused to appear. I shall therefore vote against any *ex parte* investigations by this House.

Mr. HOLLAND said he had no doubt that the

House could, in the exercise of its Constitutional functions, send for persons and papers, and that its orders would be obligatory. But, if the House had not cognizance of the conduct of the Commander-in-Chief, of what avail would be the orders of the committee in relation to him? Persons so disposed would pay no kind of respect to the orders of the House, because the House has no power to proceed to try the issue on the case. It is not pretended, sir, (said Mr. H.) that we can impeach this officer. But it has been said that this power of inquiry has been exercised by the House of Commons in many cases. Has this House ever attempted to impeach a military officer? No, I am told; but it is very common in England! Sir, when the gentleman attempts to show from precedent in other countries that we have power, let him look at the Constitution, which points out a different course for our conduct. The officers of the Army are to be tried for misconduct by the rules and articles of war; and it will be recollected that the President has proceeded in the inquiry, and that officers have been appointed to hold it. It is said however, that it was a mere mock trial. If gentlemen have no confidence in the constituted authorities, it is no reason why they should violate the Constitution by investigating a subject exclusively committed to others. The inquiry was constitutionally made. It was said, I recollect, that a court martial had not power to compel the attendance of any other than military men. It was proposed to remedy this defect, and make the law as broad as possible, so that this military court should have power to compel the attendance of witnesses. Gentlemen in favor of the inquiry (strange to tell!) oppose the bill. Whose fault then is it that a full inquiry was not made? As to the papers which have been read, they were equally as well known to WASHINGTON and ADAMS, as they are to us; and if blame could attach because General Wilkinson has not been removed, they are equally implicated in it. It is sufficient for this House to exercise its own Constitutional powers. The moment we step over them, we run into error. It is unfortunate that a disposition has been exhibited so often to step out of our powers. How can we try General Wilkinson if we cannot punish him?

Mr. McKIM said, he had voted against the consideration of the resolution, and should finally vote against it, under the impression that all the information which this House had received had been in the possession of General WASHINGTON, Congress, and the Heads of Departments, several years ago; that many sessions of Congress had since taken place, in the course of which it had not been taken up or investigated. He had been, therefore, under the impression that Congress had not supposed the information to be of that kind which would warrant them in spending their time in considering the subject. M. M. said, he would be glad to know from the honorable gentleman from North Carolina, or any other, whether any recent information had been received, anything which was not already

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known to Congress. If there was, he said, there was no man who would more readily than himself go into the inquiry. This was a moment of too much importance for them to spend their time in fruitless inquiry, and that too without proper testimony. Unless some recent evidence had appeared, Mr. M. said, he should continue to vote against the resolution.

Mr. SMILIE remarked that he certainly might honestly say that he entertained no prejudice for or against General Wilkinson; but the first question to decide was, whether what was now proposed to be inquired into came properly within the scope of the powers vested in the House. I was surprised very much indeed, said Mr. S., to hear a gentleman so well informed as the gentleman from Connecticut (Mr. PERRY) quote to us the conduct of the British House of Commons in a somewhat analogous case. Surely, sir, that gentleman knows that the powers of the House of Commons and this House are very different indeed. What is the situation of the House of Commons? If we look back as far only as the reign of the Tudors, we shall find the House of Commons scarcely to possess any power but that of granting money to the Crown. Until the reign of James I., the House of Commons were in this feeble state. They then saw the danger the public liberty was in, and found it necessary to assume powers which they had never claimed before. They made claim after claim, and extorted power from the Crown, till the contest for power ended in a civil war, the Crown contending to preserve its prerogative, and the Commons to extend their powers and privileges. The truth is, that the House of Commons have extorted from the Crown the great powers which they now possess. They exercise such powers as they have acquired. But it will be remembered that the House of Commons is a Legislature possessing unlimited powers—powers over the constitution itself. Is that the case with this House? What are our powers? They are just such as the Constitution has conferred upon us, and no others. This is not the day to dispute whether the Constitution has vested in this House all powers necessary for the advantage and benefit of the community. This is neither the time nor place to decide that question. We are to walk within the powers of the Constitution, and exercise no powers not vested by it. Let us look for our powers; for we are not to assume powers by construction. [Mr. SMILIE quoted the Constitution for the enumeration of the powers delegated.] These powers, said he, we have a right to exercise; we have not a right to exercise any other. Now, sir, will any gentleman show me, amongst these powers, any such power as that now proposed to be exercised? It cannot be done. This then is a power not vested in us; it is vested in another department of the Government.

As to all the papers which have been read, sir, we have heard them long ago; but I must confess it would require better testimony than that of Daniel Clarke to induce me to consent to convict any man. He was here upon the spot;

General Wilkinson was here; a court of inquiry was appointed; Mr. Clarke shrunk from the inquiry. And as all these charges were exhibited to General WASHINGTON against Wilkinson, although I voted to consider the resolution, I shall vote against it. I am compelled to do so when I reflect on the oath I have taken.

Mr. TAYLOR said, he could not commence his observations on this subject with the expression of the same sentiment as had fallen from the gentleman from Pennsylvania. I will not say (observed he) that I have a prejudice on the subject, but I have formed a judgment, founded upon circumstances which have passed before me, and upon testimony which has come to my knowledge in and out of the House, most unfavorable to the character whose conduct it is proposed to inquire into. And, if the vote which I shall give on this subject did not in some measure seem to conflict with this sound impression, I should not trouble the House with any observations on this subject.

I believe, sir, that the soundest and best mode by which we could come to a correct conclusion on this subject would be neither to take books published, or affidavit, or newspaper publication, or say so, of that man or the other. It is our duty to inquire into the principle we adopt, if we pass the resolution. It is true that in Great Britain the House of Commons do take upon themselves to make such inquiries; but it is a course which I hope never will be adopted by the Government of this country—it is there adopted under the maxim that the King can do no wrong. The Executive, this House, the Senate, each has its appropriate orbit, and a high responsibility to the nation; and it is improper that this House should step in and assume the responsibility which the President of the United States owes to this House and to the nation.

I have heard gentlemen in favor of this resolution asked to put their finger on the letter of the Constitution by which we profess to act. I have not heard the request complied with. I have indeed heard from the gentleman from Connecticut, what I would call begging the question, viz: that out of this resolution an impeachment of the President of the United States might grow. The object we profess to seek into is an inquiry into the conduct of Gen. Wilkinson. If the President of the United States has, in his responsible duty with respect to this officer, kept him in public employment, when it would be infamy to countenance him, why not in the resolution itself declare your object, and why go round about in this indirect mode to declare an object which does not appear on the face of it?

Again, it has been said, that out of this inquiry might grow laws respecting the Military Establishment; because, disliking the officer, if he was not removed, we might put down the office. This again is stepping in between the Executive of the United States and his duty, and throwing ourselves as it were as a shield between him and his responsibility, which this House is about to deprive him of. Who ever heard that upon a law on a general subject the House sent from

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one end of the continent to another for proof of a particular fact, which was to direct them in the general concern? These arguments will not bear examination.

I will say, sir, that if there was a Constitutional power in this House of getting rid of this officer, I for one would most willingly get rid of him. He is a mill-stone about our necks; but I will not take upon myself the responsibility for his conduct. I know where the responsibility rests. The nation knows where it rests, and this surreptitious mode of taking measures for which we are not responsible, as in the law about which we talked a great deal yesterday—this erecting the House into a caucus for doing the best we can for the country, when the Constitutional organs choose to be silent or refuse to do their duty, is a dangerous principle, and goes upon the maxim that the King can do no wrong. I hold the President responsible for continuing this man in office, and will not take upon myself his responsibility.

The gentleman from Connecticut (Mr. PITKIN) has quoted the British Government. I can quote another instance about as parallel to our case as that which he has quoted—I allude to the corps of Janissaries at Constantinople, who, by *leges scriptæ* or *non scriptæ*, by custom, (which it seems is to regulate all our proceedings,) do assume to themselves the power of asking the Grand Seignior to send to them the head of the Grand Vizier or Pacha who is hostile to them, and of enforcing their demands. I will not take such practice for my guide. The law is before me; I have a responsibility from which I cannot shrink and answer to my constituents—and I wish that other departments should answer to the nation for their responsibility also. On this ground I am decidedly opposed to the resolution.

Mr. FINDLEY said he had been astonished to hear the honorable member from Connecticut, (Mr. PITKIN,) whose well known accuracy he frequently admired, take the proceedings of the British House of Commons as a model, and their late proceeding with respect to the King's son, the Duke of York, and commander-in-chief of the army, as a precedent applicable to this case. It is sufficient to say, that the powers of the House of Commons are not defined. Judge Blackstone says, they cannot or ought not to be defined. This undefined power is necessary to enable them to withstand the encroachments of the other two hereditary branches. It is well known that the powers of the House of Commons have been very different at different times. In the reign of the first Stuarts, they claimed the right of examining grievances, that is to say, of being the grand inquest of the nation, and of withholding public supplies until these were redressed. This was refused, and the Parliament frequently dissolved, until the contest between the Commons and the Crown produced a civil war, which for several years filled the three Kingdoms with blood and oppression. After the restoration, the House of Commons renewed their claims, and persevered, till, for a long period, Parliaments were set aside by

the last Stuarts, and not restored, but by a revolution, by which the royal prerogative was greatly limited. Since then, the Commons have gradually extended their powers, and the King having called upon them to exert their power in support of the prerogative, in commencing and carrying on the American war, they have, at least since that period, become by far the most essential part of the Government. At which of these periods does the gentleman apply the proceedings of the House of Commons as a model for this House?

It is not denied that the Constitution has adopted some of the leading features of the British form of government. Our Executive indeed has very little of those features, and our Senate, though not hereditary, has powers not possessed by the House of Peers; our Senate has the power of altering, amending, or rejecting money bills, and of appropriating money; the House of Peers has only the power of rejecting. This House, like the House of Commons, have the power of submitting articles of impeachment against civil officers; but the House of Commons has the awful power of originating bills of pains and penalties, and also bills of attainder, which go to life, liberty, and property, which happily this House has not. The House of Commons can bind the nation by a vote of credit to an unlimited amount, which this House cannot do. The power of the House of Commons extends to every officer, tax, and abuse in the nation; the power of this House does not. It has no power over the State governments, revenues, laws, or abuses, and they are the component parts of which the nation is composed. Therefore, though the House of Commons was in a proper sense the grand inquest of that nation—its powers with respect to subjects of its inquiry not being limited nor defined—yet this House can in no proper sense be called the grand inquest of the nation, its powers being limited to specified objects, expressly defined. The undefined term, grand inquest, may be applied to anything and to everything.

But the gentleman from Virginia, (Mr. SHEPHERD,) and others, as they can find no such power vested in the House by the Constitution, have recourse to implication, incidental powers, &c. In answer to this, Mr. F. said, that he altogether denied and even protested against the doctrine of constructive or implied powers, especially in criminal prosecutions. When this method prevailed in England no man was safe. It was very convenient in the reign of Henry the Eighth and other tyrants, when to this doctrine the blood of that nation was sacrificed, and it never could be of use to, or defined by, any but tyrants.

When an express power is given, all the subordinate powers to carry it into effect were contained in the grant of the power itself; the power to levy taxes contained the power of appointing officers to collect them, to compel the officers to pay over the money, to punish them for delinquency, &c. These naturally arose from, or rather were component parts of, the general

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power; they were neither incidental, nor resulting from doubtful implication. To this House, and every public body and court of justice, the power of securing themselves against contempt was incidental. It was not a power vested by the Constitution, but a power of self-defence, of which every man by the law of his nature was possessed, and consequently every public body. But to Congress this was an incidental power, the exercise of which depended on incidental circumstances, over which Congress had no Constitutional control; none of these applied to the question before the House.

The House is invested with the exclusive power of bringing articles of impeachment against all civil officers for treason or other high crimes and misdemeanors. For this purpose only is this House the grand inquest of the Federal Government. The Senate are the judges of the parties thus impeached.

But, it was asked if Congress had no power to call before their bar, or the bar of their committee, such a notorious offender as this officer is represented to be. Mr. F. said they had no such power. They could compel the attendance of their own members, but they could not compel the attendance even of a civil officer in order to impeachment. For this purpose, testimony was taken by affidavit in the absence of the party respecting whose conduct inquiry was made by the committee of the House, or by their commissioners; the party accused was required to answer to the charges before the Senate, there he brought his witnesses, and there he cross-examined the witnesses brought against him. It is evident from the Constitution, that an officer of the Army or Navy is not impeachable. The resolution before the House is not calculated for impeachment, nor do the arguments of the gentleman profess it. What then is its object? If the Commons had found the Duke of York guilty, they might have brought a bill of attainder. This House cannot do so.

The Constitution expressly declares, that no resolution or vote can have any obligation on the citizens until it is concurred in by the Senate and approved by the President. This resolution is not calculated nor advocated with this view, nor with a view to impeachment. What then is its object? Who will obey it when it is passed? Where is your sheriff or constable to compel obedience? And under what law will your process be executed? Will this House assume the whole authority of Congress? If they do they can with propriety plead the example of the House of Commons about one hundred and fifty-five years ago.

The Constitution has vested Congress with ample powers both to provide for the trial and punishment of the officer if he is guilty. Congress has power, and it is its duty, to prescribe rules for the government of the Army and Navy of the United States. If the existing rules are not competent to bring an offender to justice, it is the fault of Congress. When a similar resolution was submitted to a former Congress, it

was, as it ought to be, referred to the President, who directed a court of inquiry on the conduct of the officer preparatory to a court martial, if guilt could have been substantiated; but testimony could not be found. The gentlemen who stated charges to the House, to which one of them took his oath, absolutely refused to appear before the court of inquiry as witnesses, because that court had no power to compel the attendance of witnesses. A bill was introduced providing for authorizing both courts of inquiry and courts martial to compel the attendance of witnesses. But this was opposed even by such as were the accusers of the officer, and lost, to his great regret, for he thought such a power absolutely necessary; he likewise thought the constitution of the court of inquiry and courts martial defective without that power.

A member near him (Mr. LYON) had assigned as a reason for changing his mind on that subject, that the court of inquiry only whitewashed General Wilkinson. How did they whitewash him? When no testimony could be procured to prove him guilty, they acquitted him. Could they, as honest men, do otherwise? The honorable member from Maryland, (Mr. KEY,) though he had treated the officer's character pretty freely, yet candidly stated, that the court of inquiry had not testimony, and that they could not act on such as had been offered to the House, because of the informal manner in which it had been taken. The charges stated at that time related to old affairs, that had been inquired into both by President WASHINGTON and President ADAMS, to their own satisfaction. In 1793 or 1794, General Wilkinson sent charges against General Wayne to the War Office, accompanied with his resignation, if a speedy trial was not directed. Mr. F. said on that occasion he asked the Secretary of War if the resignation was accepted. He answered that it was not; that the President had directed him to write to the Generals, in order to reconcile them to act together until the close of that Indian war, which would probably not be long, and then they would get a trial. That trial, however, was prevented by the death of General Wayne on his return from receiving the forts from the British. On this occasion the Army was reduced to a brigadier's command, and General Wilkinson appointed to that command. If President WASHINGTON had thought proper, two very good opportunities offered to get quit of the General without any trial; the one was when he sent in his resignation, the other was when the Army was reduced and new modelled. He took advantage of neither of these.

Though the gentlemen who supported the resolution did not agree with him in believing that we had no authority from the Constitution to act in this manner, yet they must all agree that it is extraordinary; that there is no precedent for it in the administration of our own Government; and that if it can be justified, it is only by the necessity of the case. He would ask wherein does that necessity exist. The officer in question, after having been about five years second in

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command, has been about thirteen years commander-in-chief, under the administration of three Presidents, and a short time of the fourth; but was last Fall superseded in that command, and, as soon as his successor arrived, actually removed from it, and is now, it is believed, on his way to this place to undergo an examination. What, therefore, is the danger at present, when he is in no trust? If there is pressing danger now, was there not as much early in the session, when there was no time to attend to it?

But there are other and more recent charges of criminality. His conduct at New Orleans to Burr's associates, and his being a bankrupt and in debt, have been much dwelt upon by the gentleman from Maryland, and the gentleman from Virginia. Is it really necessary that the House of Representatives should take the cognizance of false imprisonment, and of bankruptcy, and debt, into their own hands, from the courts of justice? Are our courts all corrupt or incapable for the discharge of the duties assigned them? Is there neither virtue nor talents in any Department but this House? Are they all whitewashers of criminals? With respect to this officer's conduct towards Burr's friends, Mr. F. said, he understood it had already been examined before a court of competent jurisdiction, where it was investigated by a grand jury, who had no disposition to whitewashing, and who found no bill. He would assure the gentleman from Maryland, that a great proportion of the citizens, as well as the court, had a different opinion on that subject, and that he believed no man could be tried the second time for the same offence, though he also believed the parties said to be injured might still have an opportunity of an action to recover damages, but not before this House. With respect to the causes of the dreadful mortality of the Army, it was a very proper subject of inquiry before the House, and as such had been already referred to a committee of inquiry. No member, he believed, had more cause to regret that mortality than himself. He had early disapproved of sending the new levies to be seasoned at so sickly a place; but, whether they were so disposed of from necessity, or by the orders of the President, or of the General himself, or whether the uncommon degree of mortality was promoted by other causes, can only be known by an accurate inquiry. Whether the result of that inquiry attached guilt to the General, or to any other quarter, will be known by the report of the committee, which will at least teach Government, by suitable arrangements, to provide against such a catastrophe in time to come. For instituting such an inquiry this House has an explicit example in the appointment of a committee to inquire into the causes of the failure of the expedition commanded by General St. Clair.

Mr. F. said he had the honor of being a member of that committee which sat during two successive sessions. They discovered many causes that contributed powerfully to that failure, but not one of them applied against the General, but otherwise. The inquiry was of great service,

however, in raising, modelling, and dissecting a new army, and in making contracts, &c. Several were found to blame. The contractor had failed to furnish provisions even on the march to the rendezvous; the Army were on short allowance on their march to where the defeat happened; the rendezvous was delayed beyond all expectation for want of boats, provisions, &c.; the cannon, carriages, ropes, &c., were to be made before they could march, and the gunpowder, having been impure, lost its strength so much as to carry the ball but a very little distance from the gun. The Indians were collected from a much greater distance, and in vastly greater numbers than had been anticipated, and before they unexpectedly began the attack a regiment had been detached to escort provisions to the starving army. Congress availed themselves of the information so as to provide against such misfortunes for the future, but took no notice of the parties that were to blame, but left them to the due course of the law. As no blame was attached to the commander, a military court of inquiry, or court martial, were not necessary.

Mr. F. wished not to be understood as vindicating General Wilkinson, or wishing to protect him from trial or punishment; very far from it. He wished for the most thorough trial; this was necessary for the officer himself as well as for the public. The charges were of different kinds and cognizable before different tribunals. If the military tribunals were not clothed with competent powers, it was the fault of Congress, and their duty, without delay, to provide the remedy; but it was not the duty of this House alone to assume to themselves the jurisdiction of both civil and military courts. If, however, it was decided that this House would proceed to the trial, he designed not to disqualify himself from sitting in judgment, by prejudging the case on that floor; therefore, he had refrained from either speaking good or bad of the officer. The gentleman from Maryland, (Mr. KEY,) and the gentleman from Virginia, (Mr. SHEFFEY,) have certainly disqualified themselves from sitting in judgment on the officer, by having voluntarily and with great ability become his public accusers. Indeed this character has rather been overacted, for it is not known what connexion the officer, being a debtor and a bankrupt, has with either civil or military crimes. That he was indebted to Government last year appeared on record, but no record of his bankruptcy has been produced, nor has this House anything to do with it.

By assuming the jurisdiction of courts, either civil or military, this House degrades its legislative character. No doubt the gentlemen who advocate the adoption of the resolution have carefully perused the celebrated Montesquieu's "Spirit of Laws." If they have, they know how powerfully that great author demonstrates the absurdity of the Legislature sitting in judgment on offenders against their own laws, even in an absolute monarchy, where the King is the Legislature, and much more so in Republics, where

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the distribution of governmental powers into distinct branches is among the first principles of the Government. He was no stranger to the propensity of the most numerous public bodies to encroach on the powers vested in the other branches. He had gone to school to study that subject not much short of thirty years ago. Under a former constitution of Pennsylvania, the Legislature consisted of a numerous single branch, on which the Executive had no check for the protection of itself or the judiciary; but to supply that defect a Council of Censors was prescribed, to be elected at stated periods, to examine the deviations from the Constitution. He had himself the honor of being a member of that body, and, on mature examination, it was found that the Legislature, considering themselves as the grand inquest of the nation, a term not found in their own nor in the Federal Constitution, they had assumed the power of deciding both on Judicial and Executive business. Whom they would, they condemned; and whom they would, they justified. But after the Council of Censors had investigated and exposed those departures from Constitutional principles, such as they had condemned as public defaulters were restored to confidence, and found to be public creditors by a court and impartial jury; and such as they had previously justified, considered it as no legal justification until they had it legally approved by a court and jury; and this will always be the result of the exercise of powers unconstitutionally assumed. It will dishonor the body who has acted in this manner.

If the charges contained in the pamphlet alluded to by the mover, and alleged on this floor by others, are proved, a court martial, even with the powers they possess, cannot fail to convict and to punish. This House may investigate and resolve, but they can neither convict nor punish. The General at present is not popular with the Army nor the country, and was very properly removed from the command, even on the ground of want of confidence; but if this House step out of their way, and throw their weight against him to crush him, it will appear to be a persecution, and attract public sympathy. This House is not calculated nor designed for a court of justice; one hundred and forty judges are too numerous a bench for judicial investigation and impartial decision. The public are in the habit of thinking that we are influenced by party spirit even in legislation; they will readily carry that manner of thinking to our judiciary decisions, especially as we are under no oath, and have no responsibility for such decision.

Mr. F. assured the Committee that he did not oppose the resolution on the account of the officer, for whom he had no partiality, but to support the principles of the Constitution, and the honor of the House of Representatives, and to prevent a dangerous precedent being set to future times, when party spirit may be so high as to make its victims of the best characters, as has frequently heretofore been done even by a British House of Commons. Let the courts be furnished with

competent powers, if they have them not already, and let them not be influenced by the decisions of this House. The officer possesses no dangerous popularity; he is not now at the head of an army.

Mr. SHEFFEY hoped the resolution would be adopted without a dissenting voice; for inquiry, in a free country, how and in what manner its affairs had been conducted, could never be productive of injury. No virtuous and no honest man could fear inquiry before impartial men delegated by the people, who can have no interest to serve in proving a man to be corrupt and dishonest. On the question whether it was proper, if they have the right, to inquire, Mr. S. asked, who, after the evidence presented and the documents in possession of the House, could doubt that General Wilkinson for a series of years has been in the pay of Spain? For what? For his aid in the attempt to detach a portion of this country from us, and bring it under the dominion of Spain. Sir, said Mr. S., will you be able to persuade the yeomanry of this country that a man who has thus acted, under a bribe, to separate the Western country, and place it under the dominion of a foreign Power, ought to be continued Commander-in-Chief of the Army of the United States? Whatever others may say, the honest farmer and planter will tell you that he ought not to be confided in. Who could have read the testimony given on Burr's trial, even the testimony of Wilkinson himself, and not be impressed with a certainty, amounting almost to conviction, that he was then again in pursuit of his former project to detach the Western country from the Union; that he was again in pursuit of the aggrandizement of himself? I ask any one who read that testimony with the scrutinizing eye he ought, whether he does not entertain that opinion? Where is the friend to our country, Constitution, and civil liberty, who can patronise the conduct of General Wilkinson at New Orleans? At a time when, by a vote nearly unanimous, you decided that you would not suspend the *habeas corpus* act, the transactions which took place at New Orleans proved that even the mandates of a Brigadier General were superior to the authority of the United States. You prohibit the suspension of the *habeas corpus*; the General disregards your interdictions, and in the teeth of them arbitrarily seizes and holds the persons of the citizens. I may be answered that these men were traitors. I affirm that they ought not so to be considered; and I found the assertion on this plain maxim of the common law, that he who is not *proved* is not to be *presumed* guilty. When was it made to appear that they were guilty? They were brought to the Atlantic States; their shackles fell, and they were permitted to return to their homes; and they had redress, as has been observed, in the option of commencing a suit against a bankrupt General. There is no greater danger to civil liberty than in a time like that alluded to, when the public mind is in a ferment. Gentlemen talk of the despotism or corruption of Great Britain;

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but an act of this kind would have inundated that country in blood—would have driven from their seats the most powerful Ministry. I recollect a case in that country in which military officers, on some pretence or other, refused to pay attention to a writ from the civil power. They were at last obliged to come into court and submit. The Chief Justice directed their apology or submission to be recorded, with the remark that it should stand “as a memorial to the present and future ages, that whoever set themselves above the law will in the end find themselves mistaken.”

Will gentlemen say that we have not sufficient cause to proceed on? I had not at that time a seat on this floor, but I recollect that an inquiry was instituted into the conduct of a judge, on the assertion of a member that he had cause to believe this person had been guilty of malversation in office. Are the facts before the public not sufficient to convince the minds of members on this subject? If the passage of the resolution depended on the question whether there was cause to suspect, there would not be a dissenting voice.

But it is said we have not the power to make the inquiry. If this argument were conclusive, I should master my feelings; I should get over gratifying my zeal for the rights of my country, if this was holy ground, on which we cannot tread. But, sir, how inconsistent are the arguments on this subject! I recollect very well the arguments uttered in favor of implied and incidental powers with respect to treaty-making. If gentlemen confine their power to the express letter of the Constitution, where will they find authority for the expense incurred in 1801, in the investigation of the expenditures of the preceding Administration? The Administration by whom the expenditures were authorized had gone out of office. I repeat it, that there is no power expressly granted to inquire into the conduct of a former Administration. It was not a necessary appendage to the power of impeachment; but it is a power incidental to our other powers. The true construction of the powers of this House in respect to investigation, other than for the purpose of impeachment, is this: We have, 1st. The power to inquire to inform ourselves and the nation; and 2d, The power to inquire with a view to future legislation. What are we? Legislators, possessing the sovereign power, and drawing from the people the money to support the Government. Being thus constituted, representing the people, and drawing from them the means of keeping up our establishments, have not the people a right to know not only how it is distributed, but to whom? Is it republican doctrine that the people should not know *how* their money is distributed? You may as well say they have not a right to know how it is expended, as to refuse to inform them to whom it is given. I consider it a right of this House, and of the people, to know how their money is expended, and to whom it is given.

To what does the doctrine of those who oppose this construction lead? It matters not what

corruption exists; if the officers and soldiers of the Army were all corrupted, were all traitors, we must sit here with our hands tied. We may have evidence the most conclusive; but we have nothing to do with it; gentlemen meet you with an objection that the power to investigate is not in our hands. We may be betrayed by the Army, and have not, it seems, the means of developing the treason to ourselves and our constituents!

We have a right to inquire with a view to future legislation. The military system, in regard to which the framers of the Constitution were extremely tenacious, is to pass in review before us every two years. We can say there shall not a brigadier general or a soldier exist. For what purpose was this power vested in us? For one of the purposes comprised in the resolution before us. If we see corruption stalking abroad, the Army or its officers devoted to a foreign Government, the enemies of their country; if we saw those hirelings attempting by plotting to humble the liberties of their country, what honest man would refuse to inquire into it? But our hands are tied, we are told; we are manacled, shackled, and cannot inquire whether it is proper to make an appropriation or not. If the right to make or refuse appropriations be given, the right to do it properly, honestly, and consistently, must necessarily follow, and of course the power to acquire information in relation thereto.

Let me repeat my idea. Suppose that the appropriation bill for the Military Establishment comes before us, our Army consisting of fifty thousand men; that there is evidence that every general officer is in the pay of a foreign country; that we are on the brink of a war with that country; what would you do in a case of that kind? Would you not turn your eyes to the fact, to ascertain whether you would support an army for the purpose of cutting your own throats? If you have not the power to do it, deplorable is your case, and the situation of the country! In a case of that kind, if there be any evidence which would warrant an inquiry, our duty to the public would require us to scrutinize the conduct of every person suspected, and of the Army in general; and if it was the corrupt body which it was alleged to be, we must refuse appropriations, and it would dissolve of course.

But, sir, we have a right to inquire, as incidental to the impeaching power. We may go to it directly or indirectly. Would it be proper to make an inquiry into the conduct of the President in keeping Wilkinson in office before we know that Wilkinson is corrupt? You must first know that the man whom he keeps in office is corrupt, before you make an inquiry into his conduct in so doing. When the facts are completely before you, you will be better able to determine what ulterior measures are necessary.

It has been said that a reference to the British constitution on this occasion does not prove anything. In my opinion it proves much. I recollect to have read, during the discussion of the question how far the House of Representatives had Constitutional power over treaties, a very

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able speech of the present Secretary of the Treasury, in which he compared the power of the House of Commons with that of the House of Representatives. He attempted to prove, and did prove to my satisfaction, that although the treaty-making power was completely with the King, yet, such was the nature of the Government, that although the House of Commons had nothing to do with framing the treaty, they could indirectly control it; that they had a right to question or discuss the propriety of any treaty which called upon them for an appropriation to carry it into effect. This argument is a good one in support of our power. We cannot go too far in claiming powers residing in the English House of Commons, because we know that there is a greater power here than there is in the House of Commons in England. The great power is granted to us, which there exclusively belongs to the King, of declaring war; and in this respect our power is much greater than that of the British House of Commons.

These principles grow out of the nature of our Government? Why in the House of Commons do they ever investigate or inquire? With a view to impeach; to inform themselves and the nation correctly; and with a view to future legislation. Is it less proper that we should freely inquire? Are we less bound to inform our constituents of the characters of men in office? Every gentleman will answer that, as we are more immediately the representatives of the people, this power is more necessary here than there, and not more proper to be exercised there than here. The House of Commons have a right to withhold appropriations of money, and inquire to prevent improper applications of it. How can you remedy a defect before you know it? How interpose a remedy applicable to the state of the Army of the United States, without having before you all the facts relating to it? Have you not a right to inquire whether the Army is an efficient defence or not? The right of the House of Commons is unlimited as to impeachment; but they do not always inquire with a view to impeachment; they inquire because it is their duty to inquire, and bottom their ulterior proceedings on facts. We can go as far in inquiry; if we cannot impeach a military officer, it does not prevent us from inquiring into his conduct.

As to our authority there can be no doubt. As to facts, it has not been contended that they do not authorize the inquiry. The nation has been looking for years for an inquiry; the nation ought to be satisfied. They want not the inquiry of two or three subordinate officers, of persons who might be implicated in some of the very crimes laid to the charge of the Commander-in-Chief. This mockery of justice the people are tired of. It has been said that an inquiry has been instituted, and that General Wilkinson escaped disapprobation. I wonder not at it, sir. No man who has any sense of honor or probity would prostrate himself by becoming an accuser or witness in a court like that. Shall we yield up the great powers given to us to a petty military tribunal

which itself might be infected with corruption? I do not say this is now the case; but it might be in many instances. It is very probable and natural that no attempt will ever be made by a Commander-in-Chief to employ the arms of the nation against itself, unless corruption had extended further than himself.

Sir, it is our duty to make this inquiry. The public money is expended on these establishments; the labor of the nation supports them. We extract money from the pockets of the people to appropriate to these purposes, and it is proper to ascertain that those who reap the earnings of the people are worthy of the public confidence.

Mr. BIBB rose to move an indefinite postponement of the resolution, not, however, for the reasons which had induced others to oppose it. He believed that the House had the power to make the inquiry. Having the power to raise and support armies, he inferred the power to adopt what means they thought necessary to collect information on which to act. Now if General Wilkinson was, as he believed him to be, unfit for the station he occupies, if he had forfeited all claim (if indeed he ever had any claim) to the confidence of the people, it is in the power of the House to abolish his office; and hence the power to inquire into the propriety of doing so.

It is however now near the close of the session, and every one must be convinced, from the course which this debate has taken, that it will be impossible to conclude the investigation at this session. Another reason for postponement is, that information has been given to a committee of this House that General Wilkinson has been ordered on here, and I believe for the purpose of making an inquiry into his conduct. Therefore, as the time is short, as General Wilkinson is coming here, and I believe another department will make this inquiry, I move an indefinite postponement of the resolution.

Mr. PEARSON said he was glad to find that the gentleman was of the same opinion with himself, and many others, as to the power vested in the House to inquire into the public conduct of the officer. This was a subject, Mr. P. said, which had presented itself to his consideration early in the present session. He had been unwilling, he confessed, to be the mover of this resolution, supposing that other gentlemen would do it more justice. He had brought forward the resolution, when he did, under the idea that General Wilkinson would have arrived at this place before this time. It appeared now very probable that he would not arrive during the present session; and that, if he did come, it would be at so late a period that no investigation could take place after his arrival. This House had the power to investigate his conduct; a committee appointed by this House would be the proper and only effectual organ to do justice to this House and to the individual. Mr. P. said he was solicitous that this important inquiry should be commenced; and if it could not be concluded during the session, that, the importance of the subject

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requiring it, the committee should be instructed to sit during the recess, or that Congress would at their next session early resume the consideration of it. If the resolution had been brought forward at an earlier day, he should doubtless have been told that the Commander-in-Chief was expected here, and that the inquiry should be delayed till his arrival. Many gentlemen seemed to think that the House had not the power of investigation. No man, Mr. P. believed, had stated it as his opinion that the charges had no foundation; and a strong presumption arose that those charges were not merely chimeras of the brain.

A very little reasoning, Mr. P. remarked, would convince any gentleman that the House had authority to make such an inquiry; but they were not even without a precedent in this case. It would be recollected that in 1793 a committee was appointed by the then Congress to investigate the causes of the failure of the expedition under the command of General St. Clair. If they had power to inquire into the failure of a military expedition, had they not the same power to inquire into the conduct of the Commander-in-Chief; because the failure might have proceeded from treachery or corruption? The power which Congress then exercised had not then been questioned; and Congress had at this session recognised the principle, and had appointed a committee to investigate the state of the Army and the causes which led to it. Would they not take into consideration the agency of the Commander-in-Chief in producing that state—and if they could touch upon his sacred character at all, could they not touch upon it entirely? As to precedent, they were not without it; and as to the existence of grounds of suspicion, it was not questioned.

It was said however that all the facts had been known to Washington and Adams. This could not not be correct. It was true indeed that some intimations might have been given of the conduct of this officer, but they were not made in such a direct way as to authorize the inquiry. But, admitting that they were, did it follow, because these high officers had not done their duty, that the House should follow their example? Was Burr's conspiracy, in which Wilkinson was charged with being concerned, known to Washington and Adams? It did not exist. Was the charge of the receipt of money from Spain since 1791 known to them? Were the ten thousand dollars said to be received by General Wilkinson in 1794 known of? They were not. Was the secret mission said to have been sent to Mexico, immediately after the Spanish troops were withdrawn, known to them? No, Mr. P. said, they could not have been known. Had the public mind ever been so much agitated about it as at present? Unquestionably not; and it was a duty which the House owed to themselves, to the honor of the nation, and to the character who was charged, that if they went into it they should go to the very bottom; that they should have no more farcical trials; that they should do justice to the individual and to the country. Mr. P. said he did not give an opinion as to the truth or

fallacy of those charges. A gentleman (Mr. SMILIE) however, had said that the testimony of Daniel Clarke had no weight on his mind. He (Mr. PEARSON) knew that some gentlemen felt prejudices against Mr. Clarke, but he did not believe that he stood in such a point of view that he was not entitled to full credit in a court of justice; and if a man deposed to a fact, supported by irresistible circumstances, if his character was black as midnight he would be entitled to credit. As far as he understood it, the evidence Mr. Clarke had lately given to the public had corroborated every fact which he had borne witness to. Mr. P. concluded by saying that he hoped that gentlemen would not find an apology in the lateness of the session for shrinking from an investigation, but that the resolution would be agreed to.

Mr. LYON said that when this subject had been before the House two years ago, the then President of the United States had told him that an inquiry into the conduct of General Wilkinson had been ordered, and had spoken in such a manner as to induce him to believe that this inquiry would answer the object he had in view. Mr. L. said he had upon this information declared his aversion to go any further in the resolution which was proposed somewhat similar to this. He was now convinced that the inquiry then made had answered no purpose in satisfying the nation, and no other than a temporary whitewashing of the man. The nation (said Mr. L.) is now as dissatisfied as they were at first. I wish to do nothing to prevent the inquiry. I was not then nor am I now of opinion that we have not the power to make the inquiry. I would cut the right arm off my body before I would surrender my right to inquire into any impropriety committed by that man. I never will give up that right. The gentleman talks about the President's responsibility. If the President continues a corrupt man in office for years, where in the end is his responsibility? To whom is he responsible? To the nation; and through this House he must be called to account if he does not do his duty. This inquiry is to ascertain whether the President has done his duty or not, and we must impeach him if he has not. This resolution goes to the responsibility of the President, and will lead to his punishment if it be found that he has acted improperly.

Mr. MACON said it was true that according to the Constitution no military officer was impeachable, but it did not follow that the House had no right to inquire into the state of the Army or the conduct of the Commander-in-Chief; for if they had the right to inquire into the causes of the mortality at New Orleans, they had an equally strong right to inquire into the conduct of the Commander-in-Chief, because the right to inquire into the state of the whole Army unquestionably gave the right to inquire into the conduct of the individuals composing it. If we cannot inquire into the state of the Army, it follows that the Army belongs to the President and not to the nation. It follows that we can do nothing with the Army after it is once raised, unless wholly to disband it, be the abuse what it might.

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The President of the United States is Commander-in-Chief of the land and naval forces, when called into actual service. Compare the present state of things with that before the adoption of the Constitution. During the Revolutionary war, and for some time afterwards, General Washington was Commander-in-Chief of the Army. At that time the Old Congress alone had a right to remove officers; they possessed the power to inquire into the conduct of any officer or department. When the new Government was organized, the officers, instead of being appointed by Congress, were to be appointed by the nomination of the President and approbation of the Senate. It is certainly true that the power of inquiry is not expressly given, but it is taken by implication. It might have been doubted, as the Old Congress had the power of appointing and removing officers, and as this power is transferred to the President and Senate, whether the power of inquiry is not referred to the President and Senate; but it is well understood that the construction has been given to it which the Constitution intended. The President, as Commander-in-Chief of the Army, except the right to appoint and dismiss subordinate officers, stands precisely as WASHINGTON did during the Revolutionary war, and his conduct is equally liable to investigation. If Congress had the right of inquiry then, the same construction would give them the right now. Is there any express provision of the Constitution authorizing you to inquire into the waste of money, or any other abuse, unless for the purpose of impeachment? Have you not the same right to inquire into the abuses of the Army, or the evils which exist there, as to inquire into affairs of the Post Office Department? Nothing can be more clear. Suppose a case which has been heretofore stated; that the President of the United States and Commander-in-Chief should unite, and that, deeming it proper, you should institute an inquiry into the conduct of the latter, and the President should shield him by erecting a court of inquiry of his own creatures—must you stay here inactive or be turned out of your seats before the people can be notified of their danger? In what part of the Constitution, I ask gentlemen, is it that a special power is given to inquire into abuse of any kind? Is there any power expressly given to inquire into the cases of the mortality at New Orleans? No, sir; nor is there a power given to hang a man for robbing the mail; but the fair construction of the power to establish a Post Office has given us all powers necessary to carry it into effect. The power to raise and support armies is also given; and with it the incidental power to inquire into all the conduct of the Army. Nay, sir, I hold that, if the Commander-in-Chief is guilty of any misconduct or offence not punishable by a court martial, complaint may be made to Congress of it. From this construction no evil can result; on the contrary the benefit will result of putting the officer more on his guard.

In the case of St. Clair, it is true, the resolution for inquiry was general; but was it a mere in-

quiry, from which nothing was to originate? If so, it was perfectly useless. What must have been the fair object of the inquiry? To ascertain where the blame belonged. Where did the blame fall? On the Secretary of War, for the want of ammunition, or on the General, for want of skill. The object was to ascertain on whom it lay. I recollect it was the opinion then in private circles that if it appeared the Secretary of War was blameable, he was certainly impeachable; and if the General was inculpated, and the President was not supposed to be in possession of the facts, that it would not be uncivil to send the report and paper to him that he might know the facts.

If there ever was a time when such an inquiry as is proposed was proper, it has existed for two or three years past. Without saying anything of his criminality, is not General Wilkinson suspected of having been in Spanish pay? Let what will happen, can you expect, under suspicions of this kind, that the honest men of this nation will serve under that man? Can any reasonable man believe it? As to the point whether General Wilkinson be guilty or not, if the man be innocent, that innocence ought to be made appear; and, if guilty, he ought not to command our army. I have lately had sent to me from the Mississippi Territory a pamphlet containing, as it states, the defence of a Captain Scott before a court martial, where he was arraigned for saying that of the Commander-in-Chief which I should think any man of feeling would as lief have his head cut off as hear said of himself; and what was the result? The person who was accused was not broke, but merely suspended for twelve months. If you have any army you should have men to command it who are not only spotless but unsuspected. Let parties dispute as much as they please, there will always be men in each party who are believed morally honest, of whom it will be said that they are attached to their country, that they have no foreign connexion. The Commander-in-Chief ought to be such a character that no man in the nation will feel any hesitation at being commanded by him. If we have not, if you reckon that the people of the country will voluntarily turn out, except their own neighborhood be invaded, you will reckon without your host.

If the doctrine be true, that you cannot inquire into the conduct of the Commander-in-Chief, in what situation do you place yourselves as to the Navy, whose scene of action must be out of the limits of the United States, where the individual has it much more in his power to oppress against law, and if he chooses, to be corrupted by a foreign Government? Every man living has his favorites, and there are some that get to be the favorites of almost everybody. Let the Commander-in-Chief so work himself into the good graces of the President as that he cannot believe the man guilty, and he cannot bring himself to the point of ordering an inquiry, because the very ordering it will show his suspicion of the person involved.

Then, sir, if you take up the doctrine that the

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President alone should inquire, you will find the necessity and propriety of Congress having the power to inquire; for it is hardly possible that the same person who had entwined himself round the feelings of an upright man, should be as much a favorite of Congress. According to gentlemen's admissions, you may inquire into minor points, as whether the Commander-in-Chief receives too much pay, &c. If you cannot inquire further, the army is the army of the President and not of the nation. If this be true, all we have heretofore done as to inquiry is usurpation. We can give good gifts, it seems, but cannot inquire into the character or conduct of those who receive them.

I hope the resolution will pass, late in the session as it is. I hope it will be adopted, if it be only to fix this important principle: that we can investigate. If it were the last day of the session I would seal the resolution with my vote.

The gentleman from Pennsylvania must recollect that it was with great difficulty we got an inquiry in 1792 or 1793. I considered an important point to be gained two years ago, when the House sent papers on this subject to the President, thus intimating their desire of an inquiry; and, when we adopt this resolution, it seems to me we shall have finished the work. If you say you cannot inquire in this way, you make armies ten times as dangerous as they were before. Suppose that the Commander-in-Chief was about to erect himself into a despot—would you say that we should sit still here and not inquire? Suppose you knew that he was corrupting the Army in order to get a throne—would you sit here inactive? If we did, sir, we should deserve the chains he was forging for us.

Mr. HOLLAND again spoke, repeating and enforcing his argument that the committee of the House could not compel the attendance of persons and production of papers. Neither he nor any other member, he said, had argued that Congress could not inquire into the state of the Army.

Mr. BIBB's motion for indefinite postponement was negatived—yeas 33, nays 79, as follows:

YEAS—William Anderson, David Bard, William W. Bibb, Adam Boyd, John Brown, Robert Brown, William Butler, Joseph Calhoun, James Cochran, William Crawford, John Dawson, William Findley, Meshack Franklin, Gideon Gardner, James Holland, Jacob Hufty, Aaron Lyle, Robert Marion, Alexander McKim, John Montgomery, Nicholas R. Moore, Jeremiah Morrow, Roger Nelson, Thomas Newbold, John Porter, John Rhea of Tennessee, Matthias Richards, Erastus Root, Ebenezer Sage, Ebenezer Seaver, John Smilie, John Taylor, and Robert Whitehill.

NAYS—Ezekiel Bacon, Burwell Bassett, Daniel Blaisdell, James Breckenridge, William Chamberlin, Epaphroditus Champion, Martin Chittenden, Matthew Clay, John Clopton, Howell Cobb, Orchard Cook, Samuel W. Dana, John Davenport, jr., Joseph Desha, William Ely, James Emott, Jonathan Fisk, David S. Garland, Thomas Gholson, Peterson Goodwyn, Thomas R. Gold, William Hale, Daniel Heister, Benjamin Howard, Jonathan H. Hubbard, Richard Jackson, jr., Robert Jenkins, Richard M. Johnson, Walter Jones, William Kennedy, Philip B. Key, Herman Knicker-

backer, Joseph Lewis, junior, Edward St. Loe Livermore, Matthew Lyon, Nathaniel Macon, Vincent Matthews, Archibald McBryde, Samuel McKee, William Milnor, Thomas Moore, Jonathan O. Moseley, Gurdon S. Mumford, John Nicholson, Joseph Pearson, Benjamin Pickman, jr., Timothy Pitkin, jr., Peter B. Porter, Elisha R. Potter, Josiah Quincy, John Randolph, John Rea of Pennsylvania, John Roane, Thomas Sammons, Adam Seybert, Samuel Shaw, Daniel Sheffey, Dennis Smelt, John Smith, Henry Southard, Richard Stanford, John Stanley, James Stephenson, Lewis B. Sturges, Jacob Swoope, Samuel Taggart, Benjamin Tallmadge, John Thompson, Uri Tracy, George M. Troup, Charles Turner, jr., Jabez Upham, Nicholas Van Dyke, Killian K. Van Rensselaer, Robert Weakley, Laban Wheaton, Ezekiel Whitman, James Wilson, and Robert Witherspoon.

The question was then taken, that the House do agree to the first member of the resolution, contained in the words following, to wit:

“Resolved, That a committee be appointed to inquire into the conduct of Brigadier General James Wilkinson, in relation to his having, at any time, whilst in the service of the United States, corruptly received money from the Government of Spain, or its agents, or in relation to his having, during the time aforesaid, been an accomplice, or in any way concerned with the agents of any foreign Power, or with Aaron Burr, in a project against the dominions of the King of Spain, or to dismember these United States.”

The yeas and nays being demanded by one-fifth of the members present, and the Clerk having called over the same, it was suggested by a member, in his place, from Maryland, to wit: Mr. McKIM, that he had committed a mistake in giving his vote on the question last taken, and that he had intended to vote in the negative and not in the affirmative side of the said question, as the same had been recorded by the Clerk.

The SPEAKER then directed the Clerk to call the name of the member, Mr. McKIM, again; and being so called, Mr. McKIM answered in the negative.

An objection was made to the right of changing the vote, by a member from Virginia, Mr. RANDOLPH, unless by the unanimous consent of the House.

The SPEAKER determined that, according to the practice of the House, the member from Maryland had a right to change his vote.

A motion was made by Mr. BIBB, that the member from Maryland have leave to correct his vote.

To which the member from Maryland, Mr. McKIM, objected.

A question of order was raised, “whether the motion of the member from Georgia, Mr. BIBB, was then in order?”

The SPEAKER decided that the motion of the member from Georgia was in order.

From which decision of the Chair an appeal was prayed to the House by Mr. RANDOLPH.

A motion was then made by Mr. LEWIS, that the House do now adjourn.

A question of order was raised, whether the motion to adjourn was in order, pending a question.

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The SPEAKER determined it not in order.

And debate arising thereon, a motion was again made, by Mr. SMILIE, that the House do now adjourn.

A question of order was again raised, whether the motion of the member from Pennsylvania, Mr. SMILIE, was in order, pending a question.

The SPEAKER determined that, on reflection, it was in order, and corrected the decision just before made.

From which decision an appeal was prayed by Mr. RANDOLPH. And debate arising, the House adjourned.

WEDNESDAY, April 4.

On motion of Mr. W. ALSTON, the House resumed the consideration of the joint resolution proposed by him for an adjournment on the 23d April. And it was taken up and agreed to, without debate, by a large majority. [It yet requires the concurrence of the Senate.]

GENERAL WILKINSON.

The House resumed the consideration of the unfinished business of yesterday.

The question on the appeal of Mr. RANDOLPH from the decision of the Chair, in relation to the motion of the member from Georgia, Mr. BIBB, recurring, Mr. BIBB withdrew his motion.

The question then recurred on the proposition of the member from Maryland, Mr. McKIM, in having stated his wish to change his vote of yesterday, from the affirmative side of the question, having answered in the affirmative by mistake.

The SPEAKER directed the Clerk to call him again, when the gentleman answered, "no."

A gentleman from Virginia, Mr. RANDOLPH, objected to the gentleman's changing his vote, unless it be considered as informally done, and by the unanimous consent of the House.

The SPEAKER stated that it had been the practice, and that the gentleman had the right to change his vote as above.

From which Mr. RANDOLPH appealed.

And the question being taken, "Is the decision of the Chair correct?" it was determined in the affirmative—yeas 76, nays 19, as follows:

YEAS—Willis Alston, jr., William Anderson, Ezekiel Bacon, David Bard, Wm W. Bibb, Adam Boyd, John Brown, Robert Brown, William Butler, Joseph Calhoun, Matthew Clay, John Clopton, Howell Cobb, James Cochran, Orchard Cook, James Cox, William Crawford, John Dawson, Joseph Desha, William Findley, Jonathan Fisk, Meshack Franklin, Barzillai Gannett, Gideon Gardner, Thos. Gholson, Peterson Goodwyn, James Holland, Jacob Hufty, Richard M. Johnson, Walter Jones, William Kennedy, Philip B. Key, John Love, Matthew Lyon, Aaron Lyle, Robert Marion, Vincent Matthews, Samuel McKee, Alexander McKim, Pleasant M. Miller, John Montgomery, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, Gurdon S. Mumford, Roger Nelson, Thomas Newbold, Thomas Newton, John Nicholson, Benjamin Pickman, junior, John Porter, Peter B. Porter, John Rhea of Tennessee, Matthias Richards, John Roane, Erastus Root, Ebenezer Sage, Thomas Sammons, Ebenezer Seaver, Samuel Shaw, John Smilie, John Smith, Samuel Smith,

Henry Southard, John Thompson, Uri Tracy, George M. Troup, Charles Turner, jr., Jabez Upham, Robert Weakley, Robert Whitehill, Ezekiel Whitman, James Wilson, Richard Winn, and Robert Witherspoon.

NAYS—Burwell Bassett, Daniel Blaisdell, James Breckenridge, Martin Chittenden, Thomas R. Gold, Jonathan H. Hubbard, Richard Jackson, junior, Herman Knickerbacker, Joseph Lewis, jun., Joseph Pearson, John Randolph, Dennis Smelt, Richard Stanford, John Stanley, James Stephenson, Jacob Swoope, Nicholas Van Dyke, Killian K. Van Rensselaer, and Laban Wheaton

The yeas and nays, as taken yesterday upon the first member of the resolution, then under consideration, were called for and the same being read over by the Clerk, there appeared—yeas 87, nays 24, as follows:

YEAS—Ezekiel Bacon, Burwell Bassett, William W. Bibb, Daniel Blaisdell, James Breckenridge, John Brown, William Butler, William Chamberlin, Epaphroditus Champion, Martin Chittenden, Matthew Clay, John Clopton, Howell Cobb, James Cochran, Orchard Cook, John Davenport, jr., John Dawson, Joseph Desha, William Ely, James Emott, Jonathan Fisk, David S. Garland, Thomas Gholson, Peterson Goodwyn, Thos. R. Gold, William Hale, Daniel Heister, Benj. Howard, Jonathan H. Hubbard, Richard Jackson, junior, Robert Jenkins, Richard M. Johnson, Walter Jones, William Kennedy, Philip B. Key, Herman Knickerbacker, Joseph Lewis, jr., Edward St. Loe Livermore, Matthew Lyon, Aaron Lyle, Nathaniel Macon, Vincent Matthews, Archibald McBryde, Samuel McKee, William Milnor, John Montgomery, Thomas Moore, Jonathan O. Moseley, Gurdon S. Mumford, John Nicholson, Joseph Pearson, Benjamin Pickman, jun., Timothy Pitkin, jun., Peter B. Porter, Elisha R. Potter, Josiah Quincy, John Randolph, John Rea of Pennsylvania, John Roane, Erastus Root, Thos. Sammons, Ebenezer Seaver, Adam Seybert, Samuel Shaw, Daniel Sheffey, Dennis Smelt, John Smith, Henry Southard, Richard Stanford, John Stanley, James Stephenson, Lewis B. Sturges, Jacob Swoope, Samuel Taggart, Benjamin Tallmadge, John Thompson, Uri Tracy, George M. Troup, Charles Turner, jr., Jabez Upham, Nicholas Van Dyke, Killian K. Van Rensselaer, Robert Weakley, Laban Wheaton, Ezekiel Whitman, James Wilson, and Robert Witherspoon.

NAYS—William Anderson, David Bard, Adam Boyd, Robert Brown, Joseph Calhoun, William Crawford, William Findley, Meshack Franklin, Gideon Gardner, James Holland, John Love, Robert Marion, Alexander McKim, Nicholas R. Moore, Jeremiah Morrow, Roger Nelson, Thomas Newbold, John Porter, John Rhea of Tennessee, Matthias Richards, Ebenezer Sage, John Smilie, John Taylor, and Robert Whitehill.

The question then recurred, that the House do agree to the second and last member of the resolution, contained in the words following, to wit:

"That the said committee inquire generally into the conduct of the said James Wilkinson, as Brigadier General of the Army of the United States; that the said committee have power to send for persons and papers, and compel their attendance and production; and that they report the result of their inquiry to this House."

A motion was made, by Mr. RHEA, of Tennessee, and the question being taken, that the farther

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consideration of the said second member of the said resolution be postponed until to-morrow, it was resolved in the affirmative—yeas 78, nays 31, as follows:

YEAS—Ezekiel Bacon, Burwell Bassett, William W. Bibb, Daniel Blaisdell, James Breckenridge, John Brown, William Butler, Martin Chittenden, Matthew Clay, Howell Cobb, James Cochran, John Davenport, jr., Joseph Desha, James Emott, Jonathan Fisk, David S. Garland, Thomas Gholson, Peterson Goodwyn, Thos. R. Gold, Edwin Gray, William Hale, Nathaniel A. Haven, Daniel Heister, Benjamin Howard, Jonathan H. Hubbard, Richard Jackson, jr., Robert Jenkins, Richard M. Johnson, Walter Jones, William Kennedy, Philip B. Key, Herman Knickerbacker, Joseph Lewis, jr., Edward St. Loe Livermore, Nathaniel Macon, Vincent Matthews, Archibald McBryde, Samuel McKee, Pleasant M. Miller, William Milnor, Thomas Moore, Gurdon S. Mumford, Thomas Newton, John Nicholson, Joseph Pearson, Benjamin Pickman, jr., Timothy Pitkin, jr., Peter B. Porter, Elisha R. Potter, Josiah Quincy, John Randolph, John Rea of Pennsylvania, John Roane, Thomas Sammons, Adam Seybert, Samuel Shaw, Daniel Sheffey, Dennis Smelt, John Smith, Samuel Smith, Richard Stanford, John Stanley, James Stephenson, Lewis B. Sturges, Jacob Swoope, Benjamin Tallmadge, John Thompson, Uri Tracy, George M. Troup, Charles Turner, jr., Jabez Upham, Nicholas Van Dyke, Killian K. Van Rensselaer, Robert Weakley, Laban Wheaton, Ezekiel Whitman, James Wilson, and Robert Witherspoon.

NAYS—William Anderson, David Bard, Adam Boyd, Robert Brown, Joseph Calhoun, William Crawford, Richard Cutts, John Dawson, William Findley, Meshack Franklin, James Holland, Jacob Hufty, John Love, Aaron Lyle, Robert Marion, Alexander McKim, John Montgomery, Nicholas R. Moore, Jeremiah Morrow, Roger Nelson, Thomas Newbold, John Porter, John Rhea of Tennessee, Matthias Richards, Ebenezer Sage, Ebenezer Seaver, John Smilie, Henry Southard, John Taylor, Robert Whitehill, and Richard Winn.

The question was then taken, that the House do agree to the whole of the said resolution, and resolved in the affirmative—yeas 80, nays 29, as follows:

YEAS—Ezekiel Bacon, Burwell Bassett, William W. Bibb, Daniel Blaisdell, James Breckenridge, John Brown, William Butler, William Chamberlin, Epaphroditus Champion, Martin Chittenden, Matthew Clay, Howell Cobb, James Cochran, John Davenport, jun., John Dawson, Joseph Desha, William Ely, James Emott, Jonathan Fisk, David S. Garland, Thomas Gholson, Peterson Goodwyn, Thomas R. Gold, Edwin Gray, William Hale, Nathaniel A. Haven, Daniel Heister, Benjamin Howard, Jonathan H. Hubbard, Richard Jackson, jun., Robert Jenkins, Richard M. Johnson, William Kennedy, Philip B. Key, Herman Knickerbacker, Joseph Lewis, jun., Edward St. Loe Livermore, Matthew Lyon, Nathaniel Macon, Vincent Matthews, Archibald McBryde, Samuel McKee, Pleasant M. Miller, William Milnor, Thomas Moore, Gurdon S. Mumford, Thomas Newton, Joseph Pearson, Benjamin Pickman, jun., Timothy Pitkin, jun., Peter B. Porter, Elisha R. Potter, Josiah Quincy, John Randolph, John Rea of Pennsylvania, John Roane, Erastus Root, Thomas Sammons, Adam Seybert, Daniel Sheffey, Dennis Smelt, John Smith, Samuel Smith, Richard Stanford, John Stanley, James Stephenson,

Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Uri Tracy, George M. Troup, Charles Turner, jr., Jabez Upham, Nicholas Van Dyke, Killian K. Van Rensselaer, Robert Weakley, Laban Wheaton, Ezekiel Whitman, James Wilson, and Robert Witherspoon.

NAYS—William Anderson, Adam Boyd, Robert Brown, Joseph Calhoun, James Cox, William Crawford, William Findley, Meshack Franklin, James Holland, Jacob Hufty, John Love, Aaron Lyle, Robert Marion, Alexander McKim, John Montgomery, Nicholas R. Moore, Jeremiah Morrow, Roger Nelson, Thomas Newbold, John Porter, John Rhea of Tennessee, Matthias Richards, Ebenezer Sage, Ebenezer Seaver, John Smilie, Henry Southard, John Taylor, Robert Whitehill, and Richard Winn.

It was then ordered that the committee to be appointed, pursuant to the resolution, do consist of five members.

A motion was made by Mr. PITKIN, that the House do come to the following resolution:

Resolved, That the committee to be appointed to inquire into the conduct of General James Wilkinson, be appointed by ballot, and that the 5th day of April, instant, at twelve o'clock, this House will proceed to the appointment of the committee.

This motion was opposed by Messrs. RHEA, LOVE, W. ALSTON, DAWSON, and ROOT, and supported by Messrs. PITKIN, SHEFFEY, PEARSON, KEY, BIBB, LYON, and SMILIE.

And the question being taken thereon, it was determined in the negative—yeas 52, nays 64, as follows:

YEAS—William W. Bibb, Daniel Blaisdell, James Breckenridge, Wm. Chamberlin, Epaphroditus Champion, Martin Chittenden, Matthew Clay, John Davenport, jun., William Ely, James Emott, Thos. R. Gold, Edwin Gray, William Hale, Nathaniel A. Haven, Daniel Heister, Jonathan H. Hubbard, Richard Jackson, jun., Robert Jenkins, Philip B. Key, Herman Knickerbacker, Joseph Lewis, jun., Edward St. Loe Livermore, Matthew Lyon, Vincent Matthews, Archibald McBryde, Pleasant M. Miller, William Milnor, Jonathan O. Mosley, Joseph Pearson, Benjamin Pickman, jun., Timothy Pitkin, jun., Elisha R. Potter, Josiah Quincy, John Randolph, John Rea of Pennsylvania, Adam Seybert, Daniel Sheffey, Samuel Smith, Richard Stanford, John Stanley, James Stephenson, Lewis B. Sturges, Jacob Swoope, Samuel Taggart, Benjamin Tallmadge, John Taylor, George M. Troup, Jabez Upham, Nicholas Van Dyke, Killian K. Van Rensselaer, Laban Wheaton, and James Wilson.

NAYS—Willis Alston, junior, William Anderson, David Bard, Burwell Bassett, Adam Boyd, John Brown, Robert Brown, William Butler, Joseph Calhoun, John Clopton, Howell Cobb, James Cochran, James Cox, William Crawford, Richard Cutts, John Dawson, Joseph Desha, William Findley, Jonathan Fisk, Meshack Franklin, Barzillai Gannett, Gideon Gardner, David S. Garland, Thomas Gholson, Peterson Goodwyn, Jas. Holland, Benjamin Howard, Jacob Hufty, Richard M. Johnson, Walter Jones, William Kennedy, John Love, Aaron Lyle, Samuel McKee, Alexander McKim, John Montgomery, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, Gurdon S. Mumford, Roger Nelson, Thomas Newbold, Thomas Newton, John Nicholson, John Porter, Peter B. Porter, John Rhea of Tennessee, Matthias Richards, John Roane, Erastus Root, Ebenezer Sage, Ebenezer Seaver, Samuel Shaw, Dennis

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Smelt, George Smith, John Smith, Henry Southard, John Thompson, Uri Tracy, Charles Turner, junior, Robert Weakley, Robert Whitehill, Richard Winn, and Robert Witherspoon.

And a committee was appointed accordingly, pursuant to the said order, consisting of Messrs. BUTLER, ROOT, CHAMPION, DESHA, and PEARSON.

BANK OF THE UNITED STATES.

Mr. LOVE said he rose to ask for information on a subject which he believed a majority of the House were disposed to act on during the present session; and yet, with the lights the Legislature possessed on it, it would be impossible to act understandingly. The report of the Secretary of the Treasury of March, 1809, relative to the continuation of the United States' Bank charter, had certainly shed some information over the community on the subject to which he alluded, and had afforded statements which demanded an investigation before the nation. The first he would notice was that relative to a portion of stock held by foreigners in the Bank of the United States; a further inquiry into this circumstance became now, when Congress was called on to renew the charter of that institution, of very great importance. It is recommended by the report to contract for placing our revenue deposits in the hands of this institution, by agreeing for an interest on them. At that time three-fourths of this stock was held by foreigners, but the prices of the United States' Bank stock has been from London quotations much higher regularly there than in our markets; it is probable, therefore, foreigners at this moment own much more of it, as it has been a more profitable remittance than bills or produce to any place we could carry it under the Orders in Council and French decrees. If this has been the course, I wish to know, said Mr. L., to what extent it has taken place, (not because the evils are not entirely sufficient which this country labors under from suffering three-fourths of this prolific fund to be in the hands of foreigners, and allowing them to drain more than eleven per cent. on it in specie from our country annually, and which has already amounted to at least ten millions of specie,) but also because it may be important to know how this institution, when the stock shall all have gone into foreign hands, will move on. It is true the Secretary of the Treasury has in his report told us that foreigners have no vote, this, I presume, is a mistake, as foreigners are only prohibited to vote by proxy; if foreigners do not vote, and they hold all the stock, the institution ends—if they do vote, they are in possession of our revenues. On this subject I will state one circumstance, disclosed to a committee of which I had the honor to be a member, by a gentleman who solicited to be heard, on the claim of the Bank of the United States before that committee. He told us that the votes of late years given for directors of the bank were very few—his truth and candor cannot be doubted—but the disclosure is certainly instructive, and proves that this immense money engine is at this moment wielded by a few American citizens, subordinate

to an immense majority of foreigners. There is nothing in the charter to prevent the election from being made by our American citizens only; and either that mode may be adopted by foreigners of managing our money concerns, and our revenues for us, or they may perhaps more wisely send a few of their own countrymen, who may personally vote, for the charter allows it.

I think too, sir, the report of the Secretary of the Treasury has not fully stated the profits of this institution, when he rates them at only 8½ per cent. on its capital of ten millions; it is clear, from the average amount of discount debts being fifteen millions, this must be the average dividend on active capital, consisting at the time of his report of only \$7,770,000; they were, besides this, drawing six per cent. on \$2,230,000 of their capital in public stock, and this is the smallest sum of public debt they have ever held. I wish to inquire something into this subject too, before we decide on giving to this foreign institution a further monopoly of our money matters, which will cost the citizens of this country one million of specie per annum, as long as it lasts.

I will also ask for some further information. An alarm has within a few days past been strongly excited, that a refusal to continue the charter of the bank company of the United States' Bank, would produce such terrible distresses as was never witnessed before in this country. One gentleman has been heard to say, that unless it was done, the President would be obliged to convene Congress specially for this purpose. We should prepare to counteract those impressions of apprehension, and to show, if correct information can be obtained, that there is no cause of terror or alarm. In order therefore, to obtain the necessary information, I submit the following resolutions, which I ask the immediate consideration of:

"Resolved, That the Secretary of the Treasury be requested to furnish this House with the names and titles of the stockholders of the Bank of the United States, if any document in his office will afford that information; and, if not, endeavor to obtain that information from the bank aforesaid—and lay it before this House as soon as possible.

"Resolved, That the Secretary of the Treasury also be requested to furnish this House with the number of shares voted on at the last election of directors, for said bank, and the names of those voting, if to be obtained.

"That he be requested to state to this House by what information he was enabled in his report of March, 1809, to the Senate, to fix the average of dividends of said bank at 8½, precisely 8 13-34ths per cent. per annum; and also to state the amount of public stock or other public debt held by that institution on each first day of January since its operations commenced.

"That the Secretary of the Treasury be requested to inform this House, what is the amount of capital retained in Philadelphia by the Bank of the United States, and what the amounts thereof distributed to the branches of that bank respectively.

"What have been the average amounts of deposits of public moneys in each of those banks in any preceding year, or for the year 1808, if as practicable to obtain it as any other, and whether the sum of \$800,000, stated in his report aforesaid, to be due from the

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State banks to the United States Bank was due on account of deposits of public moneys, or not."

Mr. LOVE also laid on the table, without requiring the immediate consideration of it, the following resolution:

"Resolved, That it is inexpedient to permit the deposits of the revenues of the United States to be placed in any bank, the stock of which to the amount of one-half is held by persons who are not citizens of the United States."

The House agreed to consider the resolutions, 50 to 30.

Mr. QUINCY observed that as the gentleman's object was to obtain the names and numbers of foreign stockholders, the resolution was too broad. It might be that the names of the domestic stockholders were held sacred by the officers of the bank, and that it would be deemed improper to publish them. If any great public advantage was expected to be derived from obtaining the names of the foreign stockholders, Mr. Q. said he was willing to vote for it, but not for the domestic. It was true, he said, that the gentlemen who attended before the committee had admitted that but few stockholders attended the election of directors; but this proceeded not from their limited number, but from the confidence which was placed in the directors of the bank, and their usual re-election without opposition. He moved to amend the resolution by inserting the word "foreign" before the word "stockholders," in the first resolution.

Mr. RANDOLPH moved that the resolution lie on the table, alleging, as a reason for the motion, the state in which the unfinished business of yesterday was when the House adjourned, and which rendered it absolutely necessary to decide on it before any other subject was taken up.

Mr. LOVE's resolutions were ordered to lie on the table.

THURSDAY, April 5.

On motion of Mr. RHEA, the House resolved itself into a Committee of the Whole, on the bill for establishing post roads.

[This consolidates all former laws on the subject into one law, and makes considerable alterations in the present post roads, putting down those which have been unproductive or burdensome, and erecting others deemed necessary.]

A Message was received from the President of the United States, enclosing a report of the Secretary of State, in compliance with the resolution of the House, of the 25th March, calling for information on the subject of impressments of American seamen.

Mr. FISK observed that he had understood that a mistake had occurred in the passage of the act for taking the census of the inhabitants of the United States, in enrolling it, so that at present it allowed nine instead of five months (as agreed to by the House) to assistants to make their returns, and required the marshals, under the penalty of eight hundred dollars, to make returns in seven months, two months before they could have

received them. To remedy this error he moved the appointment of a committee to bring in a bill.

Mr. RANDOLPH seconded the motion, observing that he had himself received a letter on the subject from a marshal.

Mr. FISK's motion was agreed to, *nem. con.*, and Messrs. FISK, PITKIN, and MACON, were appointed a committee, pursuant to the said resolution.

The SPEAKER laid before the House a letter from William Lambert, proposing, should the House think proper to authorize him, to collate and publish a correct statement of all the questions of order decided in the House of Representatives, since the commencement of the existing form of Government, to the end of the present session of Congress.—Referred to Messrs. BASSETT, PITKIN, and MACON, to consider and report thereon to the House.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting a statement of the annual amount of expenditure in relation to the Military and Naval Establishments, from the year 1789, to the year 1809; which were read, and ordered to lie on the table.

The bill sent from the Senate, entitled "An act authorizing the sale and grant of a certain quantity of public land to the proprietors of the Middlesex Canal, in the State of Massachusetts," was read twice, and committed to the Committee of the Whole to whom is committed the bill from the Senate, entitled "An act authorizing the sale and grant of a certain quantity of public land to the Chesapeake and Delaware Canal Company."

The bill sent from the Senate, entitled "An act to amend the laws within the District of Columbia," was read twice, and committed to a Committee of the Whole on Saturday next.

Mr. MORROW, from the Committee on the Public Lands, to whom was referred the bill sent from the Senate, entitled "An act to extend the time for making payment for the public lands of the United States, in certain cases," reported the same, without amendment; and the bill was committed to a Committee of the Whole on Monday next.

Mr. M., also, from the same committee, presented a bill providing for the sale of certain lands in the Indiana Territory, and for other purposes; which was read twice, and committed to a Committee of the Whole on Monday next.

FRIDAY, April 6.

On motion of Mr. JENNINGS,

Resolved, That the Secretary of the Treasury be required to lay before this House a statement of the amounts of the moneys which were due to the United States from individuals at the commencement of the years 1807 and 1810, on account of the purchase of public lands.

On motion of Mr. JOHNSON.

Ordered, That the Committees of the Whole to whom were committed the bill for the relief of Margaret Lapsley; the bill for the relief of John Thompson; the bill for the relief of Moses

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Young; the bill for the relief of Grove Pomeroy; and the bill for the relief of John Minor; and the reports of the Committee of Claims on the petitions of Lucy Dixon and Arthur St. Clair; be severally discharged from the consideration of the said bills and reports; and that they be severally referred to the Committee of the Whole to whom is committed the report of the said Committee of Claims on the petition of John Murray.

Mr. WEAKLEY presented two memorials from sundry inhabitants of the State of Tennessee, praying that such measures may be adopted by the General Government as will secure to them the free and unmolested navigation of the Mobile and Tombigbee rivers, of which they are now deprived by the interposition of Indians, through whose country the said rivers run; and that provision may be made for extinguishing the Indian title to so much of the country adjacent to those rivers as is necessary for settlements for the protection of boats passing up and down the same.

Ordered, That the said petitions be referred to the Secretary of State.

Mr. FISK, from the committee appointed yesterday, presented a bill to amend an act, entitled "An act providing for the third census, or enumeration of the inhabitants of the United States," passed the 26th day of March, 1810; which was read twice, and ordered to be engrossed, and read the third time to-day.

Mr. LOVE from the Committee for the District of Columbia, presented a bill to amend the act, entitled "An act to incorporate the inhabitants of the City of Washington, in the District of Columbia; which was read twice, and committed to a Committee of the Whole on Friday next.

The House resolved itself into a Committee of the Whole on the report of the Committee of Claims on the petition of John Murray, to which Committee of the Whole is committed the reports of Lucy Dixon, Arthur St. Clair, and David Blackwell, and the several bills for the relief of Margaret Lapsley, John Thompson, John Minor, Moses Young, and Grove Pomeroy; and, after some time spent therein, the Committee rose, and reported to the House their disagreement to the resolution contained in the report on the petition of said Murray, as follows: "*Resolved*, That the prayer of the petitioner ought not to be granted;" their disagreement to the resolution contained in the report on the petition of said Dixon, as follows: "*Resolved*, That the prayer of the petitioner ought not to be granted;" their disagreement to the resolution contained in the report on the petition of said St. Clair, as follows: "*Resolved*, That the prayer of the petitioner ought not to be granted;" and their disagreement to the resolution contained in the report on the petition of said Blackwell, as follows: "*Resolved*, That the prayer of the petitioner ought not to be granted;" which said several disagreements were considered and concurred in by the House.

Mr. DESHA, from the said Committee of the Whole, also reported several amendments to the bill for the relief of Margaret Lapsley; which

were read, concurred in by the House, and, together with the said bill, ordered to lie on the table.

Mr. D., also, reported the bill for the relief of John Thompson; the bill for the relief of John Minor; and the bill for the relief of Moses Young, without amendment.

Ordered, That the said several bills be engrossed, and read the third time to-morrow.

The House resolved itself into a Committee of the Whole on the bill for the relief of William Baynham. The bill was reported without amendment, and ordered to be engrossed, and read the third time on Wednesday next.

An engrossed bill to amend an act, entitled "An act providing for the third census, or enumeration of the inhabitants of the United States," passed the 26th day of March, 1810, was read the third time, and passed.

The House resolved itself into a Committee of the Whole on the report of the Committee of Commerce and Manufactures on the petition of George Armroyd and Company; and, after some time spent therein, the Committee rose, and reported their agreement to the resolution therein contained; which said resolution was read and concurred in by the House, as follows:

Resolved, That the prayer of the petitioners is reasonable, and ought to be granted.

Ordered, That a bill be brought in, pursuant to the said resolution; and that the Committee of Commerce and Manufactures do prepare and bring in the same.

The House resolved itself into a Committee of the Whole on the bill for the relief of William W. Weymouth. The bill was reported with an amendment thereto; which was read and concurred in by the House, and the bill ordered to be engrossed, and read the third time to-morrow.

SATURDAY, April 7.

Mr. EPPES, from the Committee of Ways and Means, presented a bill authorizing a loan of money for a sum not exceeding the amount of the principal of the public debt reimbursable during the year 1810; which was read twice, and committed to a Committee of the Whole on Monday next.

An engrossed bill for the relief of Moses Young was read the third time, and passed.

An engrossed bill for the relief of John Thompson was read the third time, and passed.

An engrossed bill for the relief of John Minor, administrator of Reuben Minor, was read the third time, and passed.

An engrossed bill for the relief of William W. Weymouth was read the third time, and passed.

The House resolved itself into a Committee of the Whole on the bill to establish post roads; and, after some time spent therein, the Committee rose, and reported progress.

Mr. TAYLOR, from the committee to whom was referred, on the 29th ultimo, the report of a select committee on the memorial of the stockholders of the Bank of the United States, presented a bill continuing in force for a term of twenty years

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the act, entitled "An act to incorporate the subscribers to the Bank of the United States," on the terms and conditions therein mentioned; which was read twice, and committed to a Committee of the Whole on Monday next.

COMMERCIAL INTERCOURSE.

Mr. MACON, from the committee appointed on that part of the Message from the President of United States at the commencement of the session, which respects our foreign relations, made a further report, in part, of a bill concerning the commercial intercourse between the United States and Great Britain and France and their dependencies, and for other purposes.

The bill is as follows:

A Bill concerning the commercial intercourse between the United States and Great Britain and France, and for other purposes.

Sec. 1. *Be it enacted, &c.*, That the third section of the act entitled "An act to amend and continue in force certain portions of the act, entitled 'An act to interdict the commercial intercourse between the United States and Great Britain and France, and for other purposes,'" be, and the same is hereby, repealed.

Section two provides that all penalties heretofore incurred shall, nevertheless, be collected.

Sec. 3. *And be it further enacted*, That in case either Great Britain or France shall, before the third day of March next, so revoke or modify her edicts as that they shall cease to violate the lawful commerce of the United States, which fact the President of the United States shall declare by proclamation, and if the other nation shall not, within three months thereafter, so revoke or modify her edicts in like manner, then the third, fourth, fifth, sixth, seventh, eighth, ninth, and tenth sections of the act, entitled "An act to interdict the commercial intercourse between the United States and Great Britain and France and their dependencies, and for other purposes," shall, from and after the expiration of three months from the date of the proclamation aforesaid, be revived and have full power and effect so far as relates to the dominions, colonies, or dependencies, and to the articles the growth, produce, or manufacture of the dominions, colonies, or dependencies of the nation thus refusing or neglecting to revoke, or modify, her edicts in the manner aforesaid.

The bill was read a first time, and passed to a second reading—51 to 39, and made the order of the day for Monday next.

MONDAY, April 9.

A motion was made by Mr. JOHNSON that the House do now adjourn, and, the question being taken thereon, it was determined in the negative—yea 1, nays 39.

On motion of Mr. MACON,

Ordered, That the Committee on Foreign Relations be discharged from the consideration of the Message from the President of the United States of the twelfth of January last, communicating information relative to the blockade of the ports of the Baltic by France, and the exclusion of neutral vessels by Russia, Sweden, and Denmark.

The House proceeded to consider the amendments of the Committee of the Whole to the bill

concerning invalid pensioners; and the same being read, were concurred in by the House.

The bill was then further amended, and ordered to be engrossed, and read the third time to-morrow.

The House again resolved itself into a Committee of the Whole on the bill to establish post roads; and, after some time spent therein, the Committee rose, and reported the bill with amendments.

Mr. JOHNSON, from the Committee of Claims, presented a bill for the relief of Lewis Garanger; which was read twice, and committed to a Committee of the Whole on Friday next.

Mr. J., also, made a report, containing a detailed statement of facts in relation to the petition of Lewis and Charles Garanger.

CHARLES BEAN.

Mr. JOHNSON, from the Committee of Claims, made a detailed report on the petition of Charles Bean, as follows:

That the petitioner, captain of a company in the first regiment, first brigade, and sixth division of the militia of the Commonwealth of Massachusetts, was appointed by Levi Lincoln, Esq., Lieutenant Governor and Commander-in-Chief of the Militia of the Commonwealth of Massachusetts, the militia officer, near the port of entry for the district of York, to whom the collector was to apply, if necessary, for assistance to carry into effect the several embargo laws, agreeably to an act of Congress passed the 9th day of January, 1809, entitled "An act to enforce and make more effectual an act, entitled 'An act laying an embargo on all ships and vessels in the ports and harbors of the United States,' and the several acts supplementary thereto;" the written designation and appointment of the petitioner bearing date February 1, 1809. That on the 26th of February 1809, the petitioner received a letter from Alexander McIntire, Esquire, collector of the port of York, requesting him to go on board the brig Betsey, then lying in the port of York, (suspicions being entertained of an intention of getting her to sea in violation of the embargo laws,) and detain her until he should see what further might be done with the vessel; that the petitioner, in obedience to the commands of his superior officer, did promptly, and without delay, call upon the following persons belonging to his company, viz: John Farnham, Henry Holmars, Ebenezer Grant, William Roberts, John Moulton, and Josiah Moulton, private soldiers, and did go on board said vessel with David Baker, deputy inspector of the port of York, without committing any violence whatever; that, after having been on board of said vessel half an hour, William Boyd, the reputed owner of the vessel, came on board, and ordered the said David Baker, your petitioner, and those under him, to quit his vessel, using very harsh language, and threatening to raise a mob to take the vessel from him; that the petitioner with his soldiers guarded the vessel until the tide had ebbed so much that it was impossible she could get out that tide, and then left the wharf; that on the 28th February, the petitioner, his soldiers, and the deputy inspector above-mentioned, were arrested by a warrant issued by Daniel Sewall, Esq., for a riot in entering said vessel, and the next day were carried before Jacob Fisher, Esq., of Kennebunk, twenty miles distant from York, although no less than eight magistrates of competent

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jurisdiction lived in York; that upon the trial of said prosecutions, Justice Fisher declared the embargo laws unconstitutional, and the order of Levi Lincoln, Esq. illegal; and the petitioner, together with the persons acting under him, were recognised in the sum of fifty dollars each, for their appearance at the superior court held at York; that the petitioner, and those recognised, attended at said supreme court thirteen days, when they were discharged by the court, no bill being found against them by the grand jury; the petitioner then prays compensation for their time, trouble, and expenses incurred. The committee think it reasonable and right that the petitioner should be paid the expenses necessarily incurred in the improper interference of the magistrate, and those prosecuted with the petitioner; and the account rendered, amounting to \$219 44, is not considered by the committee as exorbitant. To prove the material facts, as stated in this report, the committee refer to the order from Levi Lincoln, Esq., the letter of the revenue officer, the proceedings of the court, and other documents filed with the petition. The committee, therefore, beg leave to report a bill.

Mr. J. then presented a bill for the relief of Charles Bean; which was read twice, and committed to the Committee of the Whole.

APPORTIONMENT OF REPRESENTATION.

Mr. FISK said he rose to offer a resolution, which he had for some time wished to present for the consideration of this House. It is to provide for fixing the apportionment of the Representatives of the several States according to the third census. The last ratio was one Representative for every thirty-three thousand souls; which gave one hundred and forty-two members to this House—a number as large as may be considered necessary for the despatch of legislation, or to preserve the liberties of the people. It is estimated that the next census will give seven millions two hundred thousand souls, which, according to the present ratio of representation, would give to this House two hundred and eighteen members—a greater number than could be accommodated within these walls, and a greater body of men than could progress with the business of this House.

After the census shall be taken, the amount in each State ascertained, and the fractional numbers known, it will be much more difficult to fix the ratio than at this time. I therefore beg leave to submit the following resolution. And as it embraces a subject of great importance, I have no objection that it lay on the table a few days for the consideration of the members:

Resolved, That the apportionment of Representatives amongst the several States, according to the third enumeration of the people, ought to be in the ratio of one Representative for every forty-five thousand persons in each State, and that a committee be appointed to bring in a bill accordingly.

A motion was made that the resolution lie on the table.

A motion was also made to postpone it for a week.

Mr. PICKMAN moved to postpone the further consideration of the resolution indefinitely. He thought the question could be decided to much

greater advantage in the two first months of the next session of Congress than in the two weeks remaining of the present session.

Mr. MACON was against indefinite postponement. Every one, on reflection, must be satisfied that it would be better to decide the ratio of apportionment now than after the result of the census was known. He thought the resolution had better have been in blank as to the ratio. The ratio might be settled either by fixing the number of Representatives of whom the House should consist after the next census, or by fixing the number of souls which should entitle a district to a Representative.

Mr. GOLD said, however desirable it might be at this time to fix the ratio, he doubted very much whether a decision would now settle the question. If a law were now to be passed, and there should be several large fractions on any given ratio, there would be a strong disposition to alter the ratio at the next session. He thought it would be expedient also to postpone the apportionment, because it might be affected by the proportion in which the population of the United States may have increased since the last census, which could not be ascertained till after the census.

Mr. QUINCY said he understood the object of the resolution to be to settle a principle before the facts were ascertained. Now it was his opinion that the House should know the facts first, and settle the principle afterwards. Suppose the principle to be adopted—perhaps one or two States might be entitled to but one Representative, which, had the ratio been fixed at forty thousand, might have been entitled to two. This would appear to operate unjustly. The House must know the facts in order fairly to apportion representation. The apportionment ought to be made not merely in relation to population, but to the weight of the different States in the Union—and these considerations could not have their due weight till after the relative numbers were ascertained.

Mr. W. ALSTON was in favor of deciding on the subject at this session. He had no fear of difficulty resulting from fractions remaining unrepresented. It would be recollected that at the last apportionment, Delaware had a fraction of thirty-one thousand left, and Carolina twenty-nine thousand. The small States could not object to the course proposed; for if this question was postponed till after the census, and a particular ratio should appear to suit the returns of the three large States, they would support it and carry it too, notwithstanding the large fractions it might leave to smaller States. A disadvantage would therefore result to the small States from postponement rather than from a decision now.

Mr. FISK said there was one other reason why an apportionment should be made at this session, viz: that it would enable the State Legislatures at their ordinary winter sessions to divide the States into districts, and not subject them to the necessity of an extra session for the purpose.

Mr. LIVERMORE was against indefinite postponement, because he was inclined to the opinion that the subject ought to be acted on at this ses-

sion, but wished the resolution to lie on the table a day or two. He said he was convinced, from his experience in the manner of doing business in this House, that it would take nearly the whole of the next session of Congress to make the apportionment, if it was postponed till after the census was taken. He had rather the resolution had been blank as to the ratio.

Mr. FRISK modified his motion, so as to leave it blank as to the ratio.

Mr. BURWELL thought that the present was the proper time to fix the proportion; because, after the respective numbers of each State were received, it would be in the power of the larger States to fix the ratio as they pleased, and at present none of the State jealousies could be brought into action, which would, when the returns were actually made. To get over the difficulty said to exist in settling a principle before the facts were known, it was only necessary to say that so many members should compose the House. If the population was smaller than expected, there would still be the number deemed proper to constitute the House; and if it was larger there would be no great increase of members, to the detriment of public business. Mr. B. said he was fully impressed with the necessity of acting on the subject at the present session. If postponed till the result of the census was known, and the particular interest of each member of the House became implicated in the decision of it, there would be extreme difficulty in coming to a decision.

Mr. SMILIE said he could not conceive any objection to passing the resolution in its present shape. In this question there was an inconvenience on one side and evil on the other. It was an inconvenience that the House could not with precision ascertain the population of the United States; but, from the increase in times past, the increase for the last ten years might be estimated. The evil of postponement on the other hand was great. Mr. S. said he had been in Congress when the ratio of representation had been settled heretofore, and he had never seen a more difficult question—and it ended at last in a bargain between the members of the different States; and from these bargains no good could arise. He much preferred deciding on the subject at the present session.

Mr. RHEA of Tennessee was anxious that the subject should lie on the table a day or two, the more especially as there was such a disagreement of opinion as to the operation of the measure of fixing the ratio beforehand. Coming from a small State himself, he feared lest the principle should operate to the injury of the small States. He said he had been much surprised at the declaration of the gentleman from Pennsylvania, that the question would be decided eventually (if postponed) by individual interest. If on such a question the House was to be governed by individual interests, what was the nation to expect from them? This suggestion was another reason in his mind for the resolution's lying on the table.

Mr. SMILIE had spoken of human nature as he found it, even in the gentleman from Tennessee

as well as all others—a degree of self-concern always influenced individual conduct. Whoever had assisted at settling the representation of a State would conceive the difficulty of deciding these questions.

The motion for indefinite postponement was negatived, ayes 23. The motion to postpone to Monday shared the same fate, ayes 33. The motion to lie on the table was carried—53 to 41.

TUESDAY, April 10.

Mr. NEWTON, from the Committee of Commerce and Manufactures, presented a bill to remove the office of collector of Tappahannock to Fredericksburg; that of Niagara to Lewistown; to annex a part of the State of New Jersey to the collection district of New York; to establish a new district, to be called the district of St. Lawrence; to make Cape St. Vincent's, in the district of Sackett's Harbor, a port of delivery, and out of the district of Miami to make a new district, to be called the district of Sandusky; and for other purposes; which was read twice, and committed to a Committee of the Whole on Friday next.

On motion of Mr. NELSON,

Resolved, That a committee be appointed to inquire into the expediency of amending an act, entitled "An act more effectually to provide for the organization of the militia of the District of Columbia," with leave to report by bill, or otherwise.

Mr. NELSON, Mr. TURNER, and Mr. TALLMADGE, were appointed a committee, pursuant to the said resolution.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act fixing the compensation of public Ministers, and of Consuls residing on the coast of Barbary, and for other purposes;" to which they desire the concurrence of this House.

On motion of Mr. MORROW,

Ordered, That the Committee of the Whole be discharged from the further consideration of the bill providing for the printing and distributing of such laws of the United States as respects the public lands; and that the said bill be engrossed, and read the third time to-morrow.

The bill from the Senate, entitled "An act fixing the compensation of public Ministers, and of Consuls residing on the coast of Barbary, and for other purposes," was read twice, and ordered to be read the third time on Thursday next.

On motion of Mr. ROOR,

Resolved, That a committee be appointed to bring in a bill appointing the time for the next meeting of Congress.

Mr. ROOR, Mr. GOODWYN, and Mr. MCBRYDE, were appointed a committee, pursuant to the said resolution.

An engrossed bill concerning invalid pensioners was read the third time, and passed.

The House proceeded to consider the amendments of the Committee of the Whole to the bill to establish post roads; and the same being read,

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were severally concurred in by the House. The bill was then further amended, and ordered to be engrossed, and read the third time on Thursday next.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act regulating the Post Office Establishment," with amendments; to which amendments they desire the concurrence of this House.

WEDNESDAY, April 11.

The amendments of the Senate to the bill, entitled "An act regulating the Post Office Establishment," were read, and ordered to lie on the table.

On motion of Mr. TALLMADGE,

Ordered, That the Committee of the Whole to whom is committed the bill for the relief of Abraham Whipple be discharged from the consideration thereof.

On motion of Mr. POTTER,

Ordered, That the Committee of the Whole to whom is committed the bill to allow the benefit of drawback on merchandise transported by land conveyance from Newport to Boston, and from Boston to Newport, in like manner as if the same were transported coastwise, be discharged from the consideration thereof.

The House proceeded to consider the amendments of the Senate to the bill, entitled "An act regulating the Post Office Establishment;" and the same being again read, a motion was made by Mr. BACON, that the following words, to wit: "Section 25, lines 2 and 3, strike out the words, 'each postmaster, provided each of his letters or packets shall not exceed half an ounce in weight,'" appearing to have been an interpolation in the amendments sent from the Senate after the same were received by the House, be expunged therefrom.

A motion was made by Mr. ALSTON, that the said amendment do lie on the table: When a message was received from the Senate informing the House that an inaccuracy had taken place in stating the amendments of the Senate to the bill "regulating the Post Office Establishment," and asked the return of the said bill and amendments to the Senate.

The question was then taken on the motion of Mr. ALSTON, and resolved in the affirmative.

On motion of Mr. PITKIN, the House again resumed the consideration of the said amendment: When the question recurred on the motion of Mr. BACON, before stated, and the same being taken, it was resolved in the affirmative.

A motion was then made by Mr. PITKIN, in the following words:

"On message from the Senate, by their Secretary, suggesting that, in stating the amendments, sent to the bill, entitled 'An act regulating the Post Office Establishment,' an inaccuracy had taken place, and requesting this House to return the said bill, together with the said amendments, to the Senate:

"*Ordered*, That the Clerk do return said bill and amendments to the Senate, agreeably to their request."

And the question being taken that the House do agree to the said motion, it was resolved in the affirmative.

An engrossed bill providing for the printing and distributing of such laws of the United States as respect the public lands, was read the third time, and passed.

An engrossed bill for the relief of William Baynham, was read the third time, and passed.

On motion of Mr. RANDOLPH,

Resolved, That the Secretary of the Treasury be directed to lay before this House a statement of the annual receipt into the Treasury, from the commencement of the present Federal Government to the end of the year 1809, distinguishing the amount of such annual receipt as may have proceeded from the duties on imports and tonnage, from the internal revenues, from the direct tax, from the sale of public lands, and from loans; together with a statement of the amount of debt annually incurred and reimbursed within the same period.

A message from the Senate returned to the House the corrected amendments to the bill, entitled "An act regulating the Post Office Establishment;" and informed the House that the Senate have passed the bill, entitled "An act authorizing the discharge of John Kerr from his imprisonment," with amendment; to which they desire the concurrence of this House.

The bill altering the time of holding the circuit courts of the United States for the district of Maryland, went through a Committee of the Whole, and was ordered to be engrossed for a third reading.

COLONEL WASHINGTON.

Mr. RANDOLPH said that the House was already apprized of the death of Colonel William Washington, in whom our country had lost one of her most illustrious sons. It is very far from my intention, sir, said he, by any amplification of mine to lessen the impression of that merit which the bare mention of his name is calculated to make on the mind of every man who hears me. It is not the least unequivocal proof of that worth that it was not extinguished by the effulgence of his great kinsman's glory, with which it was daily brought into comparison. The reputation which can stand such an ordeal as this, is far beyond the praise or blame of an humble individual like me. If, to the proposition which I am about to offer, an objection should arise in the breast of any man who hears me on the score of the rank which that gentleman bore in the late American army, permit me to suggest that it is a testimony to valor and not to rank. It is not a mere respect to rank which I wish the House to pay. It is not in rank to add to the infamy of an Arnold, or to the glory of a WASHINGTON. I will, therefore, move the following resolution:

Resolved, That the members of this House do wear crape on the left arm during the remainder of the session, as a testimony of respect for the memory of William Washington, late a Lieutenant Colonel in the Revolutionary army.

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Mr. SMILIE said he hoped there was no man who felt more respect or gratitude to those men who served their country during the Revolutionary war than he did, but this resolution appeared to be improper on several grounds. I agree, said Mr. S., with the gentleman from Virginia, that rank should have no effect on the opinions of the members of this House on such a subject as this. But, is it not singular that as to the many heroes who have served us during the Revolution, who have now gone to their long home, no notice has been taken of their merits by us, nor any step taken to confer upon them the honor now proposed to be conferred on this officer, whom I acknowledge to be meritorious? We have seen a Greene die, and certainly no man exceeded him in rank or merit, the General-in-Chief excepted. We have seen a Wayne also die; and I do not recollect that such a tribute was proposed to any man, who served us during the Revolution. Shall we, then, by passing this resolution, sanction an idea that Lieutenant Colonel Washington was entitled to more respect than others? Would not the passage of this resolution be considered as an indirect censure on the other Revolutionary characters who have gone from us? When the other heroes fall that are still existing, we must, if we pass this resolution, pay the same respect to their merits, or suppose them to have been inferior. This would introduce into the Legislature invidious comparisons, and, instead of legislating, we shall be sitting as judges upon character. In every respect, I think the resolution objectionable.

The question was taken on the resolution without further debate, and passed in the negative—yeas 30.

POST AND PATENT OFFICE BUILDING.

The House resolved itself into a Committee of the Whole on the bill for the better accommodation of the General Post Office, and Patent Office, and for other purposes.

[This bill authorizes the President to cause to be purchased or erected a building suitable for the accommodation of these offices.]

Mr. TAYLOR said he was not unfriendly to the object of the bill; but, because he thought there were other subjects much more urgently requiring the attention of the House, he moved to strike out the first section of the bill.

Mr. QUINCY hoped the motion would not prevail. The state of the Patent Office was such that every gentleman must know that something ought to be done in relation to it; but, in his mind, a much more important reason in favor of the bill was the present exposed state of the public records. It was a disgrace to the nation that they should lie in the state in which they now were, exposed to casualty from five-and-twenty fires in the same building, and to all the defalcation resulting from their exposure in a garret. The power was given to purchase or build, because it was suggested that a convenient building (commonly called Blodget's Hotel) could now be purchased at a low rate.

Mr. BACON said he was very anxious that the motion should not prevail. It would save no time to discuss the motion to strike out the section, and he hoped the gentleman from South Carolina himself would be convinced of the propriety of acting on the subject. He called upon gentlemen to consider the nature of the models in the Patent Office. Gentlemen might laugh at it, and call it a gimcrack affair, but it was the depository of the genius of the country. If destroyed by fire, it would be a great loss to the country. The nation was deriving from the Patent Office a revenue of seven thousand dollars a year, and it ought to have such accommodation as the revenue it produced would warrant.

The motion to strike out the section was negatived. The sum of twenty-thousand dollars was appropriated for the purposes of the bill.

The Committee rose and reported the bill, which was ordered to be engrossed for a third reading, 54 to 23, after an objection of Mr. SMILIE to the passage of the bill in the present state of the Treasury, on account of the appropriation of twenty thousand dollars which it contained.

COMMERCIAL INTERCOURSE.

The House then resolved itself into a Committee of the Whole on the bill concerning commercial intercourse between the United States and Great Britain and France and their dependencies, and for other purposes.—[No. 2.]

Mr. GHOLSON said he could not believe that this assembly would consent to this bill in its present form, and he felt strengthened in his opinion when he recollected that they had determined, after solemn debate, that they would not abandon the policy of the last three years without some substitute for the measure at present in existence. The bill on the table was in direct hostility to the sense of the House as expressed on that vote, for it provided for the removal of every species of opposition to the belligerent edicts. By the third section of the bill, no opposition was to be made either to the decrees or orders of France or Great Britain till an accommodation with her enemy, by which accommodation the cause of our difficulty must in some measure cease before any measure of resistance to the authors of it could be interposed. Another objection to this section, Mr. G. said, was, that it held up the honor and character of this nation to the highest bidder, with a view to operate on the belligerents to do us justice. Was this the tone which a free Government should use? Are we sir, said he, become so insignificant that we are not only to entreat but to purchase justice? If justice can be obtained in no other way but by purchase, submission itself is preferable, to justice obtained in this way. He apprehended that every man who had had the slightest co-operation in the measures of the Government, must have in view the freedom and liberation of the commerce of his own country. Was there, he asked, any expectation of liberating it by submission? Did gentlemen expect, by cowering before the British

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lion and Gallic eagle, to free commerce from its shackles? So far from holding out to the belligerents any inducement to repeal their edicts, the bill passed would fasten them still more firmly. To destroy the dangerous character of the bill, he moved to strike out the first section of the bill, and insert three sections, providing. 1. For a non-importation of British and French goods; 2. To invest the President of the United States with a provisional power to suspend the law as to either belligerent which should revoke its edicts; and 3d, to employ the Army and Navy of the United States to enforce the system.

Mr. TAYLOR said it was very probable that the Committee of Foreign Relations, in the production of the present bill, in their endeavors to please everybody, might succeed in pleasing nobody. It was easy to find fault—it had been demonstrated that it was more easy to destroy than to build up any system or bill on the subject of our foreign relations. And if there was no yielding, no conciliatory disposition afforded from any quarter of the House, it was certain we should go home and do nothing to save the honor of this nation, (to use the phrase so often repeated to us by the opposers of the first bill offered on this subject, and now used against this second bill, by the gentlemen last up.) I wish the House to act on the state of things, I would say the state of votes, as they actually exist; I wish no part of the House to give up more of opinion than the committee have given up, no more than I myself have given up. The House must recollect my opinions expressed in the discussions on the first bill. The state of things I found here on my arrival, at the beginning of the session, forced and compelled a relinquishment of the opinions I had set out from home with. The navigation bill, as it was called, received my support; it received the sanction of the gentlemen last up, (Mr. GHOLSON.) That bill was lost in the Senate; and on the questions for insisting and adhering the fear was expressed on this side of the House, I do not know but the gentleman himself was one who expressed it, that this House was likely to adjourn at the end of the session without leaving on record any the slightest species of protest or resistance against the injurious and unjust orders and decrees of the belligerents. The system in the first bill, it seems, was both too strong and too weak; and this sentiment, strange as it may appear, was not merely entertained by different parties of gentlemen in this House, but in fact the very Hotspurs for energetic measures, if they participate in the views taken of this bill in a speech which I find in the public papers—I say if anything is to be collected from this very able production, it is this wonderful fact: that Mr. MACON's bill was both too strong and too weak to suit the palate of the patrons of energy. I shall by and by show which of these two qualities was most predominant in their view of it. You know, Mr. Chairman, that the bill I have just spoken of was lost, and more than a fortnight had elapsed after that event, and not until this House had resolved to adjourn

on the twenty-third instant, was the bill now before you offered by the committee. We waited as long as we could, consistently with our duty, for the project of those gentlemen who had destroyed the first bill, and for which I think public sentiment justly held them responsible. They offered none, and were gliding down the stream of time and approaching the vortex of ruin, according to their ideas, when the system of commercial restriction should cease, and when not a feather of opposition or resistance was to be held up by this Government against the detestable and unlawful oppression of France and Great Britain towards this unoffending country. The bill on your table, sir, I know is not very strong; I am sure it will not suit the palates of those who are now ready to vote for war with either or both of these powerful nations, if there be indeed any such in this House; and if there are, I beg them, I beseech gentlemen in all parts of this House, in their deliberations on the course of policy to be adopted by this nation, to reflect on the situation of the whole world, on our own situation; for with respect to the power and influence of relative States, and their ambition, fury, and rage against each other, at any one period of time, I recollect no parallel in history. When the Persian millions had crossed the Hellespont to invade Greece, there the union of the States, the energy of the last national nerve, was the true policy, was in fact the mode of resistance, sanctioned by the most sober and rational prudence; when Philip of Macedon had marshalled his phalanx, with the avowed object of subjugating those States, then the energetic eloquence, then the inflaming of the passions, the stirring up of the people to rage and madness against their invader, was true State policy; it was, it ought to have been a business alone of feeling and ardor—rashness itself was prudence. In both the contests, if they had conquered, they knew that even with their remaining hosts, thinned as they would be by battle, they would have achieved the freedom of their country; they had but one enemy, and him conquered, their country was saved; they had a clear, perceptible, certain object to gain or to lose. But how stands the case with us? Suppose the measures wished for by some gentlemen to be adopted, and to be as efficient as they have imagined them to be; suppose by commercial restrictions we should so impoverish the one nation as to render it an easy prey to the other, or suppose the same effect should be produced by actual warfare, are we sure that the power thus acquired by our victorious ally might not be turned against ourselves, impoverished and weakened as we should be in our very exertions to give to that ally the command over our destiny and over the destiny of the world? I disregard, I set down for nothing, any promises or excuses of either of these nations, which they now make by way of redressing or justifying the course of conduct they have pursued against us. Freedom of the seas, or the defence and protection of themselves, of us, and of all the world, from the power of France—all mere cant. The

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one destroys as far as he can the freedom of the seas, in order, as he says, to obtain it, and the other tramples and oppresses all within her power to prevent them from being oppressed by another. Let us remember the fate of the flourishing Syracuse. She too had her men of energy; she was found alternately on the side of Rome and of Carthage; she too had her party divisions; she too had an extensive commerce, a reputation for science and the arts; and what did all these avail her—did one party or the other save the nation? Did her wealth and commerce, and her immense resources, aided too by the abilities of an Archimedes, save her? No sir. After serving for the convenience of the one and the other of these Powers, even before the victory was decided between the rivals, she fell never to rise again. Will gentlemen recollect that we have a Rome and a Carthage in our day? And that our obvious policy is neither to dissipate our strength by actual warfare against the one or the other, nor against both; neither to diminish the resources of our Government nor the comfort and wealth of our citizens by commercial warfare, which as far as we have had experience with respect to vigor and perseverance of this Legislature itself, in continuing one of the most efficient systems that ever was adopted, and as far as our experience for the last year will go as to insufficiency of the minor system which followed the first—I say, as far experience goes we can safely say, that that system which would be efficient with one of the belligerents, and with but one, we will not execute to the end; and the other which affects in no way coercively either of our opponents, but distresses ourselves exceedingly, we cannot execute. The amendment now proposed, is intended to continue that part of the latter system the most difficult to be executed, the non-importation of British and French goods. Why will gentlemen persevere in placing a stumbling block to the morals, perhaps a bar to the affections of the people to their Government? Why is this coercive system to be continued, which, on a former occasion, I think I demonstrated, operated unequally on different sections of our community, and which it requires no demonstration to show will increase the difficulties in the finances of the nation?

The combined effects of the unjust conduct of the nations of Europe, and of our own law, has occasioned you to encounter for the current year a deficit of nearly four millions of dollars for the public exigency; a further deficit is anticipated in the exigencies of the next, and if the amendment is adopted having the double effect of shutting up your Treasury to the receipt of three-fourths of your revenue by impost, and also the incurring of three or four millions more of expense for the support of the rotten Navy to execute the law, for I understand it is a favorite project of some gentlemen to employ the Navy for this purpose—I say, sir, if this amendment is adopted and the policy connected with it pursued, the borrowing of ten millions I venture to say will not meet the public demand for that year. Will this policy,

added to the irritations on account of the unpopularity of the non-importation law, in some parts of the country, tend to energize your Government, tend to attach the people to your Administration? No, sir, you may go on borrowing, and increasing your taxes (the very system we deprecated when we were out of power) till the people will be disgusted with your conduct, till the reins will drop from your nerveless hands, and the disgust may become so extreme (which God forbid!) that it may be extended not only towards you, but towards the form of Government which you have administered. As much as I deprecate war, as impolitic as I think it would be for us in the present state of the world, I would infinitely prefer it against one or against both of the belligerents to the policy now proposed. For in war we should have the bustle, the stretch of action, the enthusiasm which would excite the hatred of our people towards the enemy, rather than towards our own Government. But I am for neither of these; I am for nursing the energy and the resources of the nation, rather than prematurely wasting or dissipating them.

I am for preparing by prudent economy, and a wary and careful administration of our Republican form of Government, for that great trial which, even when in the matured state of our manhood may exercise, our whole and undivided strength. When the leagued blood-hounds of Europe—leagued by mutual consent in a crusade against republicanism, or more probably united by conquest into one huge monster—shall assail our last asylum of liberty, then will the undivided affections of our people to its Government, then will a Treasury unburdened with loans and public debt and a country rich and ample in its resources, stand you, or whosoever shall administer our Government, in good stead. The nerve and sinew of the nation will be unbroken, and in that day we shall be terrible to our enemies. But the contrary system would render us indifferent and careless, would render us divided and nerveless in such a crisis. Then, sir, upon a retrospection of the energy which some gentlemen so loudly call for, you or your successors will condemn and deplore the premature exertions of the nation, and this spirit attempted to be conjured up now will, in the minds of the reflecting, receive the stamp of rashness and folly. But, suppose my fears of the approach of so trying and awful a crisis unfounded; is it wise or safe to continue the demoralizing system of non-intercourse, which holds out, as has often been said, a bounty to the smuggler? If Bonaparte, absolute as he is, could not prevent the smuggling of British goods into the Continent, which he now commands, what prospect of success is there for us, acting under our free form of Government? With the equipment of your whole fleet, including gunboats, your exertions would be futile, and a cordon formed of all your regulars on the lines of Canada would be unavailing.

Is this amendment proposed to the bill intended to compromise this House to give as it were an implied assumpsit that we shall not reduce the Navy and Army? If this promise is to be given,

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why attach it to this bill? Why embarrass a subject already too embarrassing? For my part, if this purpose is to be effected, I would much rather that the proposition should come isolated, to stand or fall by its own merits; or, if it must be attached to a bill on some other subject, I should prefer seeing it attached to a bill for carrying into effect an Indian treaty, to the post office bill, or to any other bill of minor importance, to the bill on your table. But the bill before you is too weak and the amendment is offered to make it stronger. I will remind the gentleman of the fate of the first bill from the Foreign Relations Committee.

The very men who wished to be considered exclusively as the men of energy (I speak not of any in this House) made the same objection to that bill. But when the posthumous reasons for the rejection of that bill are found, and they are to be found in some four or five columns of a newspaper now before me, what are they? After a flourish about the efficiency of the embargo and the disgrace we encountered in taking it off, and an unfair effort to throw this disgrace off the shoulders of one set of gentlemen and place it on the shoulders of others, we come to the luminous arguments against the bill. The whole burden of the song then is, the danger of retaliation by other nations. Would you believe it, sir, that same milk-and-water system, which was at one breath nothing, worse than nothing—a mere petty commercial restriction, to be despised in the House, and out of it, all at once a perfect torch of discord throughout the world! A sudden panic seizes its despisers; alarms and fears and horrors succeed, lest the belligerents should retaliate upon us this trifling commercial restriction.

Are men so blind as to suppose that the people will not see through their energy? Will the people believe them sincere, when they talk about arming, convoys, war itself, when this little hugarbear thus appals them? It was however by this blowing cold and blowing hot, that the project contained in the first bill was destroyed. May not the same weapons defeat this, and bring about the prediction of those who have prophesied that we shall go from this place leaving not a letter on record in protestation against the injuries we have received? The Committee will, I hope, excuse a little digression I am here obliged to make.

Certain gentlemen, to relieve themselves from the charge which public opinion has brought against them for giving up the embargo, are kind enough to a few of us, as supposing we have strong backs, to place this burden of disgrace on those who refused to fit out the Navy of the United States to execute the law. I was one of those who refused to pour into the rotten hulks and to scatter in the wasted navy yards of the United States the whole treasury of the nation.

Will gentlemen remember that a part of the Navy was in requisition—was actually at sea at the period of the repeal of the embargo and for months before—how many embargo breakers did they bring back? But, thank God, this rage for pouring into the mud, into the rotten hulks of the Navy, the whole revenue of the country, is abat-

ing—a spirit of economy has been avowed on both sides of the House. It augurs well for the nation. But, concerning the breaking down of the embargo: Let the truth come out. Neither this plea nor the other miserable one of the fear of insurrections, and what not, will do. The embargo was as fully expected in the port of Boston as at New York, Baltimore, or Charleston. The worthy old gentleman, the naval officer of the port of Boston, who boasted of the name of WASHINGTON on his commission, acted up to the patriotism, and spirit of the giver of that commission, notwithstanding the loud clamor of the Legislature then sitting in that very town. It was not the inexecution of the law, nor the panic which made some give way, when the proposition for that purpose was offered by one connected, by more than political ties, with our denunciators, and with whom they acted and voted. The embargo repealed itself. The wants created by it to foreigners, and the accidental failure of crops in England, had reduced the thing in one article to plain calculation, the vote of this House to repeal the law gave from four to five dollars rise on each barrel of flour. This was the weight that pulled us down. Let me be understood, Mr. Chairman, in making this defence of my friends with whom I acted, that I tax with no unworthy motive those of this House or the other who repealed the embargo. This matter of calculation, this certain *bonus*, was as well understood out of the House as in it. The sense and opinion of our constituents on the subject might honorably be plead in excuse for a change of sentiment by any member; nor would I wish to charge either the representatives or constituents of the whole wheat and flour country with a change of opinion—there were many instances of disinterestedness apparent in our proceedings (perhaps our opponents would call it stubbornness) on that memorable occasion.

But to return to my objections to the resisting and restrictive system proposed by way of amendment to the bill—it will operate unequally on different parts of the Union. Why will gentlemen, under the pretence of resistance, wish to tax my constituents and the people generally of the Southern States, by way of giving a bounty on the industry of the northern and eastern sections of the Union. We are not calculated for manufactures. The little we do, we do through choice, and from interest and convenience, or from patriotism, if you please; but we wish for no compulsion from our own Government; a compulsion, too, exclusively operating on us, and to the exclusive advantage of another part of the country.

Of the provisions of the bill now under consideration, I have already said that they are not very coercive on our enemy, and a better quality they have, is, they are not very coercive on ourselves. The first section completely does away all vestiges of the partial and ineffectual embargo, contained in the non-intercourse law. The demurrage on our shipping, even for the few remaining days of the session, is stated by merchants as extremely heavy on them. The market for their

flaxseed after seeding time in Europe, will utterly fail. The near approach of the next harvest in England will, it is supposed, materially affect the price of wheat and flour there; the sooner they get there, the more will our country gain in the price of these articles. The object, I confess, is not a very grand one; but if at the end of the session this state of things is to succeed, and I have heard no one avow a determination to continue this part of the non-intercourse law, the amendment of the gentleman from Virginia, now under consideration, gives it up;—if then it is to be given up, why not do it instantly, as we know that thereby we shall work a great convenience to our citizens?

The second section, saving penalties and forfeitures under the embargo and non-intercourse laws, I expect will not meet with an objection from any quarter of the House.

I do not apprehend that there is to be found in this House a sympathy for law breakers, for men whose cupidity has induced them to disregard all obligation, moral or patriotic; and as their nefarious conduct has in many instances been crowned with pecuniary success, they ought to be made to pay.

The third section of the bill may have some singularity in its provisions—and I expected in offering it to encounter the old objections against delegating the power to legislate to the President. This section requires the President, on the happening of certain contingencies, (to wit, if either of the belligerents shall revoke or so modify their edicts as that they shall cease to violate our neutral commerce,) to issue his proclamation, notifying that event; three months after which proclamation, the other belligerent not revoking, &c., her decrees against us, is to come under the restrictions of the old non-intercourse law, so far as respects our importations from her. In other words, the sections of the old non-intercourse law respecting importation are to be revived. The revoking of the decrees may be termed a condition absolute, and in such a case, so far from the President legislating on the subject, he would not be called upon to exercise what might be termed his sound official discretion, except as the proof of the certainty or uncertainty of the fact of the decrees being withdrawn. In this point of view he would be only executing a duty expressly and definitively assigned him.

As to the contingency which may be called indefinite, to wit, the modification of the decrees in such manner and to such extent as that they shall cease to violate our neutral rights, although the manner, the extent, the certainty, or the uncertainty of the modification, are to be judged of by the Executive, and in this he is to use his sound discretion and to declare his conviction, that the state of things has been produced by these modifications; and this state of things, to wit, the ceasing to violate our neutral commercial rights, is as definite in the one condition as in the other, and the duty is not discretionary, but imperative on him to issue his proclamation on the happening of such a state of things. This duty has often been required of the Executive to as great extent,

though perhaps not in precisely a similar manner. The power, or rather the duty of declaring a law to be suspended, approaches nearer to legislation than in this instance, and certainly the declaring the end of the suspension or the time when the law shall begin again to operate, is an act similar to the one required in this bill, to be performed by the President. As to the policy of the provisions in this section, I will observe that in the embargo and non-intercourse laws, the President was required to tender to the belligerents the very proposition herein contained. The offering that commercial restrictions should be enforced against one and not against the other, if the one or the other should cease to injure our neutral commerce. This, by frequent enactment by the Legislature, has become as it were a kind of State policy—Erskine's arrangement was made under it, and you know, sir, that act of our Executive was much applauded on all sides, till the British Government broke their faith to us and disavowed it. For more than three years we have, according to the distorted expressions of the gentleman from Virginia, (Mr. GHOLSON,) held ourselves up for sale to either of the belligerents, and that gentleman voted for the laws containing that policy. We offered ourselves not for sale but for fair negotiation, on perfectly neutral ground—and even the ill success we have had is highly honorable to this nation and its Government, inasmuch as the rejection of the offer by both is proof, notwithstanding all the abuse which has been poured out upon us, that we were impartial, that we were indeed neutral, that we proceeded without the connivance or direction of either; and to them both we moved *pari passu*. I am for continuing that policy, but in a different manner. The commercial war we have waged against both has been extremely inconvenient to ourselves, without attaining the ultimate end with either of the belligerents. We have made an experiment of this plan of fighting both nations—it won't do. Both the nations with whom we are contending know very well—every member of this House knows, we are overmatched in this contest with both nations; with all the world in fact. Why shall we, from vain pride and from unyielding obstinacy, continue our fruitless exertions against both? I say the policy of this section is more rational and equally honorable for our nation.

In this we may be considered to say, to France and Great Britain—"We cannot fight you both, we will go on doing the best we can, we will not restrain the industry and enterprise of our citizens, which will be furthering your policy, but we are not the less indignant at the injuries we have received; and if one or the other of you will stand by and see fair play, we will fight the other in the way that suits ourselves. While you are both hostile to us we will have nothing to do with your quarrels; but do us justice and show us the respect we deserve as an independent nation, and then, when there shall be but one foe, we will contend."

In transactions among individuals such a course would not be dishonorable. If I was opposed in

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my way by two bullies hostile to each other, but both determinately hostile to me, if I could avoid the contest against both I should certainly not be disgraced; if in resentment of the injuries I had received I said, in the terms of this bill, I cannot fight you both—the contest is unequal, but if one of you will pay me that respect and afford me that justice I am entitled to, I will contend with the other, whichever he may be; I should show both my impartiality and that becoming self respect and true courage which the God of nature has wisely implanted in the human breast for his self-defence and self-preservation. But to speak further of the diplomatic policy which we have pursued: I suspect (though I cannot positively say that it is the case) that the treaty-making power has ever till now pursued that policy, and that both in the instructions to Mr. Pinkney and Mr. Armstrong that policy has been continued; and it is probable, if there be any truth in the rumors of treaties now making on both sides of the British Channel, that on the very terms of this section they will be made. How responsible shall we be in going home without giving the Executive the power of fulfilling his promises to foreign Governments, and of perhaps gaining thereby advantageous treaties with one or both of these Powers; when, too, these promises were made in obedience to the spirit and letter of your law on this subject!

I conclude, sir, that the good faith, which as a branch of the Government we owe to another branch of it, the good faith which we as a nation owe to other nations of the world, require imperatively at our hands the provisions of this section of the bill.

Mr. GARLAND said that it was not his intention to trespass on much of the time of the Committee, but, as he disapproved in part of the original bill and the amendment, he would ask the attention of the Committee until he stated some of those objections. He said his friend from Virginia (Mr. Gholson) had built up in his own mind a phantom of honor or resistance, which turned out to be the old imperfect non-intercourse, which had sunk millions for the agriculturists of this country, and had sunk much of the honor of this nation, while it had produced nothing beneficial. How long (asked Mr. G.) will this nation run the round of extravagance and folly? Will not gentlemen profit by experience, and abandon this restrictive system, which has been so injurious to the nation? Mr. G. said he had supposed there was not a man in the nation that contemplated the continuing the non-intercourse longer than the end of the present session of Congress; but, strange as it might appear, that measure was again brought forward, and the nation asked to re-enact it, and to employ the land and naval force of the United States to enforce its provisions. Mr. G. said he thought that it would better comport with the honor and interest of the nation to employ the land and naval force in the protection of our rights by resisting the encroachments of our enemies, in preference to imposing restrictions on ourselves, which have no effect on our

enemies. Mr. G. said he objected to the original bill, as being too weak a measure. He wished to adopt something of energy, and asked if it would then be in order to move an amendment to the bill, by striking out the third section, for the purpose of inserting a new one. [The CHAIRMAN said the amendment could not be received until a question was first taken on the amendment offered by the gentleman from Virginia—Mr. GHOLSON.] Mr. G. then said that he hoped the amendment offered by his friend from Virginia (Mr. GHOLSON) would be rejected, and that then he would move his amendment; and for the information of the Committee he would read in his place the amendment which he contemplated offering, which was to strike out the third section of the original bill and insert:

“And be it further enacted, That the President of the United States be and he is hereby authorized and required to employ the public armed vessels of the United States to convoy the ships and vessels belonging to any citizen or citizens of the United States, laden with goods, wares, or merchandise, the growth, produce, or manufacture of the United States or their Territories, the property of such citizen or citizens: Provided always, That such goods, wares, and merchandise, are not contraband of war, and that the ship or vessel on board of which they are laden is not bound to a port blockaded by a belligerent Power: And provided further, That such ship or vessel is not bound to any port or place belonging to any nation having in force orders, edicts, or decrees against neutral rights, in violation of the laws of nations, nor to any port or place in the actual possession of such nation.”

Mr. G. said, that at a proper time he would submit to the consideration of the Committee the amendment which he had just read. He said that it was calculated to protect the honor of the nation and the rights of the citizens, and it was that kind of protection which the nation had it in its power to afford, and which the citizen had a right to expect. Mr. G. said, he was persuaded that if this nation would only take a manly attitude, all our differences with the European nations would be shortly settled; that our commerce would be restored, and that the Treasury of the nation would be replenished; but so long as we pursued this indecisive course of imposing restrictions on ourselves, Great Britain never would negotiate with us. Mr. G. said he would read a part of Mr. Canning's communication to Mr. Pinkney, our Minister in London. “Mr. Canning added, that it was another favorable circumstance that the non-importation system, which seemed to be in contemplation, was to be applied equally to both parties, instead of affecting as heretofore Great Britain alone.”

Mr. G. said he thought that this proved that the non-intercourse was a favorite system with the British Ministry, and we have plunged into the vortex, and ever since had been in fact aiding Great Britain in the execution of her wishes. All that Great Britain wanted, was to give to our commerce that direction which best comported with her interests, and to impress our seamen at pleasure; and, so long as we will permit

her to do that, she has no inducement to negotiate with us.

But, Mr. G. said, he was persuaded that if this nation would put her commerce under the protection of the national flag, that Great Britain would not make war upon it for the purpose of enforcing her Orders in Council, and, if she did, the sooner this nation knew it the better. Mr. G. said that in case his amendment should obtain, he would then prepare the details of the bill embracing the principles contained in the amendment which he had offered.

Mr. LYON called for a division of the question, and spoke against the bill and amendment.

Mr. GHOLSON said that there were a vagueness and generality in the remarks of gentlemen who had opposed the amendment he had offered, which furnished the best shield against their reputation. We are told in a loud voice and imposing manner (said he) that the embargo and all our measures have only operated on ourselves. I hold it to be a strict principle of reasoning that when a position is laid down, before you are authorized to make any deduction you must show that the proposition itself is correct. Until this is done no inference or conclusion is warrantable. But gentlemen have reversed the order of reasoning, and assume that to be true which remains to be proven. I have over and over again called upon gentlemen to meet me on the practical result of the restrictive system, upon the prices which our adversaries have been compelled to give for our products, and which they receive for theirs. They skulk out of the argument. We hear nothing but declamation. We hear now on both sides of the House that the system only works calamity on ourselves. In what, sir, do you see its mischievous effects? You look for them in the declension of the prices of the products of this country. Are they not equal to peace prices? You are told that the system has had no effect whatever on Great Britain. When you appeal to her prices current, you learn that from the commencement of the embargo with the exception of the short interval of Erskine's arrangement, she has paid exorbitant prices for our produce; that American articles have in many cases sold for treble prices. Is it not a fact that she is at this moment paying advanced prices? It is that part of the non-intercourse act which bears with most severity on Great Britain, that I have proposed to retain. The amendment embraces the non-importation clauses only, leaving to our citizens the full liberty of exportation. If we say to Britain we will cease to purchase her merchandise, unless she will treat us with justice, and thus through her interest obtain an accommodation with her, the ocean is free to us. Let us therefore come soberly to the question, and count the consequences of the non-importation system to Great Britain. Let us meet it as it should be met, argumentatively, and not by declamation or mere assertion that it will have no effect.

I would ask gentlemen in the first place to explain to me the cause of the present course of exchange as against Great Britain. Is it not a fact

perfectly well known that money in other parts of Europe is now worth from 20 to 30 per cent more than bills on England? This can be attributed to nothing else but the prohibition of her American intercourse. It is because we do not owe to Britain as much money as we formerly did that bills on that country have decreased in value. A system of non-importation will turn the course of trade with Great Britain entirely in our favor. Before the embargo, we sold to Great Britain about twenty millions per annum of our produce and purchased from her thirty-five millions, leaving a balance annually of fifteen millions against us. Under the proposed system, we shall ship to Great Britain, and receive money instead of merchandise in return. The balance must then be in our favor. The trade to that part of the Continent, which will be open to us, is always in our favor. We shall get better prices for our produce and obtain articles in return cheaper. But do you believe that the export trade to this country is no object with Great Britain, that it will produce no effect at all to abridge the exportation of British products in an amount equal to thirty-five millions of dollars? Where is she to send this excess of merchandise? She is excluded almost entirely from the continent of Europe. The United States as a customer are worth more to Great Britain than the world besides. When the Continent was open to her, one-third of her exports were to this country. What would be the conduct of her manufacturers, if in consequence of a system violating our rights they were deprived of a market for their goods? Their appeal to the Government would be loud, incessant, and effectual too, for a change of their measures.

The system of non-importation will press upon Britain with extreme severity, whether it regards the course of exchange or the balance of trade. Take from her the American market, and I will hazard the position that you change the general balance of her trade with the whole world, against herself, and that to an enormous amount. Consult her commercial writers, sir. They will tell you that it is of the very first importance to her at all times to have the balance of trade in her favor. No nation can grow rich without it. Another effect of this system would be to turn our commerce into the channels where it will be most beneficial to the country.

But the gentleman from South Carolina has told you that it will produce a deficit in the next year's revenue of ten millions of dollars. The gentleman upon consideration will, I presume, admit that he is mistaken; for the impost on the whole amount of importations from Great Britain and France do not amount to ten millions. The deficit will not bear any proportion to the amount of the revenue on merchandise from these countries. Our merchants will with their capital apply themselves to other quarters of the globe, and on the importations from other quarters you will receive revenue—not so great, I admit, as heretofore. But, how long since has it been found out that we can practise no self-denial;

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that no matter how great the object, we cannot practise forbearance for a few weeks or months? Was this the doctrine held at the time the embargo was laid? No, sir; we were told that a bonfire had better be made of all our surplus produce—that the sordid love of gain was too pitiful a passion to hold a place in the patriot breast. This Hall resounded with such discourses last winter. Great God! How are we changed in the short space of twelve months? Then every thing was to be sacrificed on the altar of patriotism. Now you are told of the futility of the measures then applauded, and asked what good they have produced. Sir, is there any Republican in the House who will undertake the assertion that you have by your measures produced no effect? Will any gentleman say that the embargo and non-intercourse have not produced important modifications of the Orders in Council, surrendering the transit duty, and narrowing down the blockading system? Do gentlemen say that in consequence of our restrictive system Britain has not paid three times as much for cotton and for articles of subsistence as before it was adopted? France has paid \$60 a hundred for tobacco—and yet we are told that the embargo and non-intercourse have had no sort of effect. At this moment too, from the effects of the non-intercourse, they are paying exorbitant prices, and suffering the inconvenience of the want of a market for more than one-third of their surplus products. When we speak of the impropriety of a measure, we should examine into it, and not make declamatory assertions, that it is a bad measure because it is a bad measure. I admit that the measure may in the next year cause a deficiency in the revenue; but, by thus avoiding the commercial chains which by submission we should forge for ourselves and posterity, we may in succeeding years experience a redundancy of revenue that would not otherwise accrue, and which will more than compensate for any present loss.

We have been told, sir, that the amendment which I have proposed is a sort of manoeuvre to augment the Navy. Sir, I will go with the gentleman; I will take this system, and reduce the Army and Navy to any degree which prudence can warrant. The fact is, you may take the convoy principle, arming the merchantmen, or any other system of active resistance to the decrees against our commerce, and it is impossible to render it adequate to the end in view. There is not a practical man in the State who believes that full protection can be afforded in that way. Our vessels are not (though I am willing to use them as an auxiliary) equal to the defence of our commerce. My object is justice for my country. To obtain this object I would go any length and take any justifiable means. I would prefer the means which I believe best adapted to the end; these, as I have stated, are in my opinion commercial restrictions. I will go along with gentlemen in reducing the expenses of the country; and if reduced as I believe they may be, I have no doubt that the revenue which we should derive under the amendment I propose, would be

as adequate to meet the expenses of the Government as under the original bill. If we keep up the present expensive establishment, the revenue, under the project of the gentleman from South Carolina, would be no more adequate to the expenses of Government than under my project if these expenses were reduced; and, by adopting the amendment which I have had the honor to propose to the Committee, you would avoid a servile dependency on the pleasure of other nations. One of the belligerents plunders and burns your vessels at sea or sends them in for adjudication. The other meanly coaxes your citizens to violate their allegiance, and licenses them to carry on a nefarious trade forbidden by the law of the land. Yet, notwithstanding this treatment, which gentlemen of all parties acknowledge to be unjustifiable—and I have been delighted to see a speech delivered in the other branch of the Legislature by an enlightened federal Senator (Mr. BAYARD) which acknowledges that we have been most scandalously treated by Britain as well as by France,) we are told that the country will be ruined if we do not buy French and British goods! To day, sir, I learn for the first time, that sending our produce to Great Britain at her own prices, subject to her Orders in Council, to every restriction which she may think proper to impose, and giving her her own prices for her fabrics, is the way in which we are to get rich. Would the fathers of our Revolution have supported a doctrine like this? Would they have said that we could not subsist as a nation without purchasing British merchandise? The charge, though not so intended, is a libel on the country? It is immaterial in a mere pecuniary point of view to me, as a planter, after I have sold my produce, whether I purchase my coat (if compelled to purchase it at all) of an Englishman or of a citizen of New York; still, I should buy it from my fellow-citizen, whose interest I consider myself bound to promote. It should not be concealed, sir, that we can subsist without British or French fabrics. Is there a State in the Union which cannot either manufacture for itself or be supplied by its sister States in abundance? If we did not receive a dollar's worth of goods from foreign countries I will not say we should be the less happy for it. The part of the country where I live is a tobacco country, and has depended until lately on foreign fabrics for wear and consumption. Since the commencement of the system of commercial restrictions, many large and respectable families do not consume twenty dollars worth of foreign goods—and are we on that account the less happy or the less independent? When habits of this kind take root and are encouraged, the necessity for a great revenue at once ceases.

This system, however, we are told is not only a deteriorating but demoralizing one. Whom does it demoralize? The violator of your laws, the man who substantially commits treason? For the violation of a system adopted in opposition to the belligerents is as substantially treason as was the desertion of Arnold. Does the gentleman talk of demoralizing these men whose only

God is money, who violate without scruple every obligation, moral and political? Their morality cannot be injured by any act of yours, for they have no morality. This measure may reform, it cannot demoralize them.

It seems the system we have pursued, and which I propose to continue, is not only deteriorative as to ourselves and inoperative as to our enemies, but also insusceptible of execution. That this Government has no energy, no strength, has long been the cry of its enemies, and it is now become quite fashionable to hear the same doctrine from those who profess to be its advocates. For one I deny it. The laws of no country are better executed than the laws of this country. They for the most part are executed from choice, and the violation of them is confined to an unprincipled class of society perfectly insignificant in number. It is by the profligate part of the merchants alone that your commercial regulations have been violated or evaded, and these practices could be readily prevented. If you will consult the head of the Treasury Department, he will tell you, that if the means be furnished the laws can be executed. It is because you did not give authority to the Executive for the purpose, that the law has not been completely enforced.

But the gentleman (Mr. TAYLOR) says that the very circumstance of employing the Navy to aid in the execution of the law would be sufficient to disgust him with my amendment. The principal cause of the embargo's not effecting its full purpose was, that the House would not agree to employ the Navy in executing it. Not only the Navy but the military force also should have contributed to its execution. Whatever your laws may be, let them be faithfully complied with. It is better to have a mild law well executed than to have a rigorous one partially enforced.

The gentleman is certainly mistaken in saying that Mr. Erskine's arrangement was made under a provision similar to that contained in this bill. It was made under the provision giving the President power to suspend a law, not to enact it. Nothing was in that case offered to one nation to induce her to do us justice except the repeal of our own restrictions. It was not said either to France or Great Britain, that if they ceased to violate our rights we should join with either against the other. The gentleman put a case in private life, and told you that if he was to meet two bullies there would be nothing degrading in saying to one, "Hands off, whilst I fight the other." This case was not fairly stated, sir. Suppose he was to meet two adversaries, would he propose to one that if he would be so merciful as not to strike him he would join him to whip his enemy? I have too much confidence in the gentleman's courage to suppose he would take such a course.

The gentleman was so obliging as to remind me of the fate of the bill which passed this House some time ago. I would only observe in reply that I voted for that bill; and I believe it contained all the features of my amendment except

the absolute prohibition of importations from France and Britain.

I can see that we are about to confess to the people of the United States that we have been holding a false light to them; that the embargo and non-intercourse were engendered in weakness and have been continued through obstinacy; to say to this nation that while we have been treacherous, the opposition have always been in the right; that they have been the exclusive friends of the people. Notwithstanding this general confession of sins, I for one shall ever maintain (and I challenge gentlemen to meet me upon the issue) that this nation has been well governed—that there has been no just ground of complaint; that in the great body of the community there is in fact no complaint. Sir, the people of the United States would rather persist in the peaceful system which has been pursued for the last three years, than launch into any untried system. I am supported in this declaration by nine-tenths of the American people. Before we act we should look about us; we are now going to pass a censure on everything which has been done by our predecessors for several years. We are about to brand two Administrations with weakness and imbecility. We are about ourselves to cease to exist as a party. If this Congress shall be found capable, after its loud vamping at the commencement of the session, of doing nothing—of doing worse than nothing, of going home and leaving the nation in disgrace, we shall only meet the scorn and contempt of the people! If they were consulted, they had rather get no prices for their produce than to succumb to any nation. They would rather do what gentlemen formerly said they would do, what the gentleman from South Carolina would have done two years ago; they would make a great bonfire of all the surplus produce of the United States. It is only through the newspapers, the very touch of which is contamination, on this floor, and in the other wing of the Capitol, so help me God, that I have seen or heard anything of this disposition to submit to the belligerent edicts for the sake of gain, or upon any other consideration. We have sworn that we could not submit to the decrees and orders without a sacrifice of their rights, honor, and independence. You are about to do more—to inscribe on your statute book the most abject submission. You withdraw what you have and oppose no other resistance. I demand of gentlemen how they are absolved from their vow? I call upon their candor to explain what has happened to change their course.

The Committee rose at 4 o'clock, reported progress and obtained leave to sit again; and the House adjourned.

THURSDAY, April 12.

Mr. DESHA presented to the House sundry resolutions of the General Assembly of the State of Kentucky, expressive of their entire approbation of the conduct of the Executive of the United States in the correspondence between the

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Motion to Expunge—Convoy System.

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Secretary of State and Mr. Jackson, late Minister to the United States from the Government of Great Britain; which said resolutions were read, and ordered to lie on the table.

An engrossed bill to alter the times of holding the Circuit Court of the United States for the District of Maryland was read the third time, and passed.

An engrossed bill to establish post roads, was read the third time, and passed.

MOTION TO EXPUNGE.

Mr. TAYLOR observed that he yesterday had seconded a motion made by a gentleman from Virginia, (Mr. RANDOLPH,) which had been negatived by the House. The mistake which had been made by the mover as well as himself in supporting a proposition which appeared to be out of the usual course of proceedings, had only arisen from motives which the House would know how to appreciate. The warrior whose name was included in that resolution, said he, was a constituent of mine. In proportion to our near approximation to an exalted character, we feel his loss. The House will excuse me for the error, but I wish, also, to be excused to the relatives of the deceased. I wish that our indiscretion may not afflict with greater grief the surviving maion who mourns his loss. With this view, I move that the motion made yesterday, with the decision upon it, be expunged from the Journals. I believe there is no man in the House, however he may think of the motion, but would feel a pang at being instrumental in inflicting an additional distress on those who have already suffered enough.

Mr. MARION said he was one of those who had been painfully compelled to vote against the motion, and had, therefore, learned with regret that it was inserted on the Journal. He hoped it would be expunged.

The SPEAKER observed that unanimous consent was necessary to expunge a vote from the Journals, and having asked whether there was any objection to the motion?—

Mr. RANDOLPH said he was sorry that he could not give his assent to it. If the House of Representatives, said he, do not choose to pay the honor to the American Marcellus which the people of the country had paid to him in their hearts, I wish, at least, that it should appear on the face of the Journals, that I have been willing to render it. I say nothing about the character of Colonel Washington. He was, indeed, the sword, as his great kinsman was the shield of his country. They were the Fabius and Marcellus of United America. The Punic war ended, they live in the hearts of their countrymen, howsoever they may be deemed of here.

An objection being thus made, Mr. TAYLOR's motion fell to the ground.

THE CONVOY SYSTEM.

Mr. EPPES said that, some time ago, a bill had been reported by him to the House, authorizing the President of the United States to employ the

public armed vessels to convoy the lawful commerce of the United States. The motion to adjourn, which had been agreed to, would leave but a small portion of the time of the House for the discussion of the several subjects before them. As he was compelled by ill health to leave the city at an early day, having already obtained leave of absence, he was anxious to obtain a vote on this before he departed, and therefore asked to discharge the Committee of the Whole from the further consideration of the bill, in order to take the sense of the House whether it should go to a third reading or lie on the table for the present.

This motion was opposed by Messrs. MACON, TAYLOR, PICKMAN, RANDOLPH, LIVERMORE, and WILSON, on the ground of its being out of the usual course of proceedings; and it was objected to the more especially as this was a subject involving very important principles, and one which, of all others, ought to be discussed in Committee of the Whole.

Mr. EPPES expressed his willingness to take a silent vote on the subject, and thought a vote might be obtained on the bill without much debate.

Mr. JOHNSON expressed great anxiety to vote on the bill.

Mr. LIVERMORE intimated that he was strongly against the bill, and, if it took every hour in the session, he was determined to expose what he believed to be its injurious features.

On the question, Mr. EPPES's motion was negatived—yeas 50, nays 61, as follows:

YEAH—Willis Alston, jr., William Anderson, Ezekiel Bacon, David Bard, Adam Boyd, John Brown, Robert Brown, William A. Burwell, William Butler, Joseph Calhoun, Matthew Clay, John Clopton, Howell Cobb, James Cox, William Crawford, John Dawson, Joseph Desha, John W. Eppes, William Findley, Meshack Franklin, David S. Garland, Thomas Gholson, Peterson Goodwyn, James Holland, Ben'j'n Howard, Jacob Huffy, Richard M. Johnson, Walter Jones, Aaron Lyle, Samuel McKee, Nicholas R. Moore, Jeremiah Morrow, Gurdon S. Mumford, Roger Nelson, John Porter, John Roane, Erastus Root, Ebenezer Sage, Thomas Sammons, Ebenezer Seaver, Adam Seybert, Samuel Shaw, Dennis Smolt, George Smith, John Smith, Henry Southard, Robert Weakley, Robert Whitehill, Richard Winn, and Robt. Witherspoon.

NAYS—William W. Bibb, Daniel Blaisdell, James Breckenridge, William Chamberlin, Epaphroditus Champion, James Cochran, Richard Cutts, John Davenport, junior, William Ely, James Emmott, Jonathan Fisk, Barzillai Gannett, Thos. R. Gold, William Hale, Daniel Heister, Jonathan H. Hubbard, Richard Jackson, jr., Robert Jenkins, William Kennedy, Herman Knickerbacker, Joseph Lewis, jun., Edward St. Loe Livermore, Matthew Lyon, Nathaniel Macon, Robert Marion, Vincent Matthews, Archibald McBryde, Pleasant M. Miller, William Milnor, Thomas Moore, Jonathan O. Moseley, Joseph Pearson, Benjamin Pickman, jun., Timothy Pitkin, jun., Elisha R. Potter, Josiah Quincy, John Randolph, John Rea of Pennsylvania, John Rhea of Tennessee, Matthias Richards, Daniel Sheffield, John Smilie, Samuel Smith, Richard Stanford, John Stanley, James Stephenson, Jacob Swoope, Samuel Taggart, John Taylor, John Thomp-

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General Post Office, &c.—Mail Agents.

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son, Uri Tracy, George M. Troup, Charles Turner, jr., Jabez Upham, Nicholas Van Dyke, Archibald Van Horn, Killian K. Van Rensselaer, Laban Wheaton, Ezekiel Whitman, and James Wilson.

GENERAL POST OFFICE, &c.

The bill providing for the better accommodation of the General Post Office and Patent Office, was read a third time.

Mr. SMILIE opposed the passage of the bill because of the appropriation it contained. The offices were not in such a state that a year's delay would do much injury; and, at this moment, the Treasury was not in a state to permit large appropriations for improving the City of Washington, or for accommodation of the Patent Office. This appropriation, said he, would not be all that would be required. If they made this grant more money would be required, and the House must give it, or lose the money they would have expended. He said it was perfectly consistent in gentlemen on the other side of the House to vote for the expenditure of the public money; it would be in perfect consistency with their general conduct.

Mr. QUINCY said it was as far from his heart as from the gentleman himself, to wish to increase the expenditure of public moneys; nor yet had he, in this case, any view to the improvement of accommodation of the city. He was not very anxious for the accommodation of the Patent Office, though he considered that also a very important object. He was desirous to pass the bill upon the ground that the public records of the country, of the War, Navy, and State offices, were in such a situation as was disgraceful to the House and to the nation. Not only were they in disorder, and in a state of gradual decay; but all the records of the Revolutionary war lie under the eaves of this building in a condition extremely unsafe, and daily exposed to destruction by fire. He mentioned also the probability of the President's now being able to purchase, at a very low rate, a building well calculated for the purpose.

Mr. W. ALSTON said, that if the bill limited the sum which may be expended to the sum appropriated by the bill, he would vote for it; but, from experience, he well knew, that after one appropriation was made, another was sure to follow. He instanced the case in which a report had been made by the Surveyor of Public Buildings, recommending an appropriation for completing the Representatives' Hall. And yet this money was all expended, and one column decorated. Under this view of the subject, anticipating a call for further appropriations, he could not vote for the bill.

Mr. LYON said he had confidence that the President would properly exercise the power which this bill would give him, and he had no fear of exorbitant expenditures of money. He was clearly in favor of the bill.

On the question that the bill do pass, it was resolved in the affirmative—yeas 62, nays 52, as follows:

YEAS—Ezekiel Bacon, Daniel Blaisdell, James Breckenridge, John Campbell, William Chamberlin, Epaphroditus Champion, Orchard Cook, James Cox,

John Davenport, jun., William Ely, Jas. Emott, Jonathan Fisk, Gideon Gardner, Thomas R. Gold, William Hale, Nathaniel A. Haven, Benjamin Howard, Jonathan H. Hubbard, Richard Jackson, jun., Herman Knickerbacker, Jos. Lewis, junior, Edward St. Loe Livermore, Matthew Lyon, Robert Marion, Vincent Matthews, Arch. McBryde, Samuel McKee, P. M. Miller, Wm. Milnor, T. Moore, Jeremiah Morrow, Jonathan O. Moscley, Gurdon S. Mumford, Roger Nelson, John Nicholson, Joseph Pearson, Benjamin Pickman, jun., Timothy Pitkin, jun., Josiah Quincy, John Randolph, Erastus Root, Ebenezer Sage, Adam Seybert, Daniel Sheffey, John Smith, Samuel Smith, John Stagg, James Stephenson, Jacob Swoope, Samuel Taggart, Benjamin Tallmadge, John Taylor, John Thompson, Uri Tracy, George M. Troup, Jabez Upham, Nicholas Van Dyke, Archibald Van Horn, Killian K. Van Rensselaer, Laban Wheaton, Ezekiel Whitman, and James Wilson.

NAYS—Willis Alston, junior, William Anderson, David Bard, Burwell Bassett, William W. Bibb, Adam Boyd, John Brown, Robert Brown, William A. Burwell, William Butler, Joseph Calhoun, Matthew Clay, John Clopton, Howell Cobb, James Cochran, William Crawford, Richard Cutts, Joseph Desha, J. W. Eppes, Wm. Findley, Meshack Franklin, David S. Garland, Thomas Gholson, Daniel Heister, James Holland, Jacob Hufty, Richard M. Johnson, Walter Jones, William Kennedy, Aaron Lyle, Nathaniel Macon, Alexander McKim, John Montgomery, Nicholas R. Moore, John Porter, Elisha R. Potter, John Rea of Pennsylvania, John Rhea of Tennessee, Matthias Richards, John Roane, Ebenezer Seaver, Dennis Smelt, John Smilie, George Smith, Henry Southard, Richard Stanford, Charles Turner, junior, Robert Weakley, Robert Whitehill, Richard Winn, and Robert Witherspoon.

Resolved, That the title be, "An act providing for the better accommodation of the General Post Office and Patent Office, and for other purposes."

MAIL AGENTS.

The House proceeded to consider the amendments, as the same had been corrected by the Senate, to the bill, entitled, "An act regulating the Post Office Establishment." The first of the said amendments being read, in the words following:

"Strike out the third section;" which said section is as follows:

"SEC. 3. *And be it further enacted*, That the Postmaster General be, and he is hereby, authorized to appoint any number of agents for the General Post Office, not exceeding five, and to empower such agents to receive and transmit, free of postage, all letters and packages on the business of the Post Office Establishment, and under his direction to make contracts for transporting the mails, to suspend negligent contractors, to transport the mails, to collect the balances due from delinquent postmasters, and to perform such other services for said office as said Postmaster General may direct, and to allow said agents such reward for their services as he may think reasonable, out of the funds of said establishment, not exceeding one thousand dollars per annum to any one agent."

This amendment was considerably debated. The arguments in its favor were grounded on the convenience and security to the conveyance of the mail which would result from such an arrangement. Arguments against it were found in the additional expense with which it would

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burden the Post Office Establishment, and in the increased patronage it would give to an officer, who already possessed it to a great extent.

A motion was made by Mr. Root, that the said amendments be committed to a Committee of the Whole House; and the question being taken thereon, it was determined in the negative.

The question was then taken on concurring with the Senate in the said first amendment, and resolved in the affirmative—yeas 73, nays 32, as follows:

YEAS—William W. Bibb, Daniel Blaisdell, Adam • Boyd, Jas. Breckenridge, John Brown, Robt. Brown, William A. Burwell, William Butler, John Campbell, William Chamberlin, Epaphroditus Champion, John Clopton, James Cochran, Jas. Cox, William Crawford, John Davenport, jun., William Ely, William Findley, Meshack Franklin, Gideon Gardner, Peterson Goodwyn, William Hale, Nathaniel A. Haven, Daniel Heister, Jonathan H. Hubbard, Jacob Hufty, John G. Jackson, Richard Jackson, jun., Robert Jenkins, Wm. Kennedy, Philip B. Key, Herman Knickerbacker, Joseph Lewis jun., Edward St. Loe Livermore, Aaron Lyle, Nathaniel Macon, Robert Marion, Vincent Matthews, Alexander McKim, Pleasant M. Miller, Wm. Milnor, Nicholas R. Moore, Thomas Newton, Joseph Pearson, Benjamin Pickman, jr., Timothy Pitkin, jr., Elisha R. Potter, Josiah Quincy, John Randolph, John Rea of Pennsylvania, Matthias Richards, Adam Seybert, Daniel Sheffey, Dennis Smelt, George Smith, Henry Southard, Richard Stanford, James Stephenson, Jacob Swoope, Samuel Taggart, Benjamin Tallmadge, John Taylor, John Thompson, George M. Troup, Chas. Turner, jr., Nicholas Van Dyke, Killian K. Van Rensselaer, Robert Weakley, Laban Wheaton, Robert Whitehill, Ezekiel Whitman, James Wilson, and Robert Witherspoon.

NAYS—William Anderson, Ezekiel Bacon, Burwell Bassett, Matthew Clay, Howell Cobb, Joseph Desha, Jonathan Fisk, Barzillai Gannett, Thomas Gholson, Thomas R. Gold, James Holland, Benjamin Howard, Richard M. Johnson, Walter Jones, Matthew Lyon, Samuel McKee, John Montgomery, Thomas Moore, Jeremiah Morrow, Gurdon S. Mumford, John Nicholson, Peter B. Porter, John Rhea of Tennessee, Erasmus Root, Ebenezer Sage, Ebenezer Seaver, Samuel Shaw, John Smith, Samuel Smith, Uri Tracy, Archibald Van Horn, and Richard Winn.

Another amendment proposed to take away from all postmasters the right they heretofore enjoyed of franking letters. This amendment was disagreed to—ayes 25.

Another amendment proposed to require the payment into the Treasury of all profits of any postmaster in the United States which shall exceed two thousand dollars a year. This amendment was concurred in.

The House got through the amendments by 5 o'clock, when they adjourned.

FRIDAY, April 13.

Mr. Root, from the committee appointed on the 10th instant, presented a bill appointing the time for the next meeting of Congress; which was read twice, and committed to a Committee of the Whole on Monday next.

11th CON. 2d SESS.—57

A motion was made by Mr. Fisk, that the House do come to the following resolution:

Resolved, That a grave-stone, not exceeding in expense the amount of one hundred and fifty dollars, be erected at the grave of the honorable Ezra Darby, formerly a member of this House; that the expenses for the same be paid out of the contingent funds of this House; and that a committee be appointed to carry into effect the object of this resolution.

The resolution was read, and ordered to lie on the table.

The House proceeded to consider the bill for the relief of Margaret Lapsley, as the same had been amended on the 6th instant, to embrace the cases of Grove Pomeroy, Arthur St. Clair, David Blackwell, Lucy Dixon, and John Murray; and the same being read, was ordered to be engrossed, as amended, and read the third time today.

The House resolved itself into a Committee of the Whole, on the bill providing for the sale of certain lands in the Indiana Territory, and for other purposes, and made amendments thereto, which were read and concurred in by the House, and the bill was ordered to be engrossed, and read the third time to-morrow.

A message from the Senate informed the House that the Senate insist on their fourth amendment, recede from their sixth and eighth amendments, and agree to the amendment to their ninth amendment to the bill, entitled "An act regulating the Post Office Establishment."

The bill for the relief of Margaret Lapsley, Grove Pomeroy, Arthur St. Clair, David Blackwell, Lucy Dixon, and John Murray, was read a third time, and passed.

COLONEL WASHINGTON.

Mr. QUINCY rose to move a resolution. He said he very deeply regretted the situation in which this House had been placed in relation to the memory of that distinguished officer of the Revolution, General William Washington, in consequence of the resolution moved on the 11th instant. He thought that the impression exhibited on the journals was not such as either did justice to that individual or to the feelings of every member of the House. He hoped that to the resolution which he was about to offer, and which had for its object an explanation of the grounds on which he knew a majority of the House had voted, would not find an objection. It would take away the appearance that this House had not that deep sense of the merits and services of that officer which he knew they possessed. He then read the following resolution:

Resolved, That the House of Representatives are deeply sensible of the loss this nation has sustained in the death of General William Washington, late Lieutenant-Colonel in the Army of the Revolution, and that the rejection of the resolution offered on the 11th instant, in relation to that distinguished officer, having been produced wholly by considerations of a general nature, cannot be deemed to derogate from the high sense which this House, in common with their fellow-citizens, entertain of his civil and military virtues and services.

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The House agreed to consider the resolution—58 to 13.

The resolution passed—ayes 63; about seventy-five members were present.

BANK OF THE UNITED STATES.

The House resolved itself into a Committee of the Whole, on the bill for continuing the charter of the Bank of the United States, for twenty years, on certain conditions.

Mr. LOVE moved to strike out the whole of the first section, with a view to try the sense of the Committee on the bill, and went at large into arguments on the merits of it. He lamented that he was compelled to come to a decision on the question without having obtained the information he had solicited a few days before—and assured the Committee he had not called for information as to the names of the stockholders from any view to weaken the support the measure proposed would have, from a disclosure of the names of those members who were stockholders in the Bank of the United States; on the contrary, he would not for a moment doubt, that all such would voluntarily and from choice decline voting on the question, not only from their sense of propriety, but from a knowledge of the imperative rule of the House, which forbids a member from voting, where his interest is concerned. He could not fear that any gentleman of that House would do an act to which might be attributed so improper a motive, as that of advancing his particular property fifty per cent. in value, and making his share of bank stock now worth \$400, by his own vote, worth \$600 or perhaps much more. But his principal ground for his general call of the names of the stockholders, was to check the statement of foreign, by exhibiting the domestic stockholders. Mr. L. next adverted to the information which had been given to the Senate by the Secretary of the Treasury, in reply to an inquiry made relative to the capital distributed to the branches, and the dividends stated to be yielded by them; he said there was certainly a gross misrepresentation in the statements of that report, relative to the profits divided at the principal bank in Philadelphia.

The portion of capital assigned to the branches was stated in the report at \$5,300,000, and those branches had discounted, by the last returns, to the amount of \$11,964,000, yielding a gross profit of more than thirteen per cent. The capital retained in Philadelphia was to the amount of \$4,700,000, granting, by the report, discounts to the amount of \$4,572,000 only. He remarked on the improbability of the correctness of the latter part of the report, because, he said, it was well known that bank capital had been used as profitably in Philadelphia as in any other town, and the State banks, unaided by the deposits of the Government of the United States, had yielded so great a dividend as to make the stock of those banks worth from thirty-five to fifty per cent. which he adverted to in detail; and deduced from that circumstance the impossibility of the truth of the information, on which the report was

grounded. He therefore thought it at least fair to state the profits of the principal bank at the same which he believed the branch banks had honestly reported of themselves, and it would be found that after the deduction for losses (that probably never happened) and contingencies never expected to take place, it would yield a net dividend on the institution of more than eleven per cent. per annum, instead of 8½, as had been reported by the Secretary of the Treasury, on the statements of the officers of the bank.

Mr. L. said he would advert to other instances of attempts to deceive the Legislature of the United States, discovered in the memorial of the stockholders of the bank or their agents. They had stated themselves entitled to an honorable claim on the patronage of the Government for several reasons. First, in having enriched the Treasury, by the share the Government subscribed to the stock. In answer to this, Mr. L. said, the Government composed originally a part of the company, that it had the right like other stockholders to sell out; it would have been hard to deprive it of that right, as it had no voice in the direction, like other stockholders had, but as it was a part of the original plan, no party to it had a right to complain. As well might the United States claim from individual stockholders a part of their profits when they may have sold their stock. But admitting Government made \$650,000, as we are told, by its stock, and that the other stockholders may charge this item fairly; the Government can certainly offset it, by showing that the individual stockholders who held the six per cent. debt, as a part of the bank capital, have sold also at an advance, and out of the public made by their sales at least to this amount.

Another honorable claim is said to be, in having loaned Government great sums of money. Mr. L. said it might be true, and it was also true, they had received six per cent. for the loan, although a great part of the money loaned was actually borrowed by the bank in Holland, at a rate of interest probably less than four per cent. This item of honorable claim then consisted in making about two per cent. clear money out of the Government; if this loan formed an honorable claim to the management of our money matters, France and Holland it was certain had much more honorable claims, as they loaned us money when our distresses were much greater, without a pledge of anticipated revenue for reimbursement, as this bank has had. But the truth was, that any bank could, if it chose, loan to Government for much less than individuals, because in case of a press for money the debts due from the Government would always command specie in the market either by pledges or otherwise; a bank could therefore discount to individuals on the credit of the very debt which was due them by Government at all times to the amount of one-half of it, and would therefore lose nothing by loaning to the United States at three per cent.

Next it was said, the bank had enabled the Government to collect its revenue. Mr. L. ridiculed this idea, and said that the State banks would

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very thankfully take this trouble, as well as many others, the United States Bank complained of, as very onerous. But last of all, the idea of the branch banks having been a charge to the institution is least capable of being supported, after the report to the Senate of the third instant, by which it seems those banks have averaged a dividend of more than thirteen per cent., while the principal bank had not given six per cent., according to their own account. He said he had mentioned those things, only because they looked like attempts to impose on a Legislature they might presume to be ignorant of its rights.

Mr. L. then said he would consider the question of continuing the United States Bank Company's charter, on two grounds, principally—

First, as to the necessity which existed for such a measure :

Secondly, as to the policy, if no real necessity existed.

And as to the first, he said it was easy to prove that as it respected the interests of the community at large, there was no necessity for it, but that a benefit would result from its immediate dissolution. From the report of the Secretary of the Treasury, it appeared they had \$5,000,000 of specie in their vaults dead and taken out of circulation ; for which they had, according to the report, given us a circulation in bank notes to the amount of \$4,500,000. The public then had lost a circulation of \$500,000, besides the exchange of specie for paper—\$500,000 lay dead and buried in the vault of this bank !

The public, it is said, are under the necessity to renew this charter, because the amount of stock held by foreigners would immediately be sent to them in specie. Mr. L. controverted the correctness of this position, and said it was contrary to the known state of facts ; that foreigners would not withdraw a capital from this country, where they could get six per cent. in our public debt for it, in order to carry it home, and get three or four per cent., which was the most to be got in Europe ; they would not, because they could no longer get double as much as in Europe, refuse to take half as much more ; and this they might do by buying the public debt, which was to be had at two per cent. above par ; and their holding that would produce no danger of their exercising an influence in our commercial towns, but on the contrary a safety, as they would have a stake in the stability of our Government, without the power of managing our revenues.

But, for argument sake, he would admit that foreigners might be guilty of the folly of losing so much, because they could not gain a great deal more, and endeavor to show, that if they did, contrary to the sense of their own interests, withdraw this capital, it would produce infinitely less evil to this country, than to continue their charter, even with its present capital :—\$7,300,000 of the whole capital belonged to foreigners—\$2,300,000 of the whole capital consisted of public debt of six per cent. Deduct this sum, say only one-fifth, would leave to be settled for in specie to the whole number of the stockholders \$8,000,000. Three-

fourths of this, or \$6,000,000, belongs to foreigners. \$5,000,000 of the whole capital they already have ; it lies in their vaults, dead. They could only wind up with an additional \$3,000,000 of specie. Three-fourths of this \$3,000,000 foreigners might withdraw, which is now in use in the country, to wit : the sum of \$2,250,000 ; it was all the community could feel the loss of. But continue the bank, and according to the principles shown relative to actual net dividends, foreigners now get from us about \$1,000,000 per annum, and according to the rate of dividend admitted by the Secretary of the Treasury, foreigners get from us 8 3-8ths per cent. on three fourths or nearly, of \$10,000,000, equal at least to the sum of about \$630,000 per annum, by which in less than four years a larger amount in specie would be remitted in interest, than the specie capital now to be lost ; for the stockholders in Europe live upon the interest. As soon as the dividend is declared, it draws no more, and is remitted. Mr. L. said there never was a time when this country could spare the specie, if it was to be taken away, better than the present, and he hoped there never would be a time ; for it was a known fact, that the orders of the belligerents had so narrowed commercial pursuits, that a very small sum was employed in that way, and immense quantities of specie were now in the country ; as a proof of it, he referred the gentleman from South Carolina to his own State, in which a bank had lately been established, and in a few hours greatly over subscribed ; so too in Baltimore, where several had been established ; and in other mercantile towns of the United States. In addition to these proofs, the report from the Mint informed us, that in the last year near \$1,000,000 had been coined, and bullion remained on hand more than they could work up. Another circumstance worthy of notice, to prove that our situation was easy, and that the little trade we had did yield a balance in our favor : our merchants are not in want of remittances ; bills of exchange on London are several per cent. below par.

Mr. L. then adverted to the evils which were said to be likely to arise to individuals from the dissolution of the charter, and contended that they were not real, that much had been said in and out of doors to excite alarm on this subject. To prove them not real, take said Mr. L., the discounts at any one of the branches, or the mother bank. At Boston, for instance, the loans were to the amount of about \$1,000,000 on a capital of \$700,000. The agent of the bank has voluntarily stated, (being admitted at his own request before a committee,) that the discounts of the bank were to the amount of three-fourths on real paper. Then in Boston \$750,000 is discounted on bills, or notes given for value between merchant and merchant, for sales and purchases, which are always paid at maturity, but which the holders want the money sixty days before hand for. This business could as well be done, everybody knew, by private bankers, who would be very glad of it, or other banks always will give a preference to this sort of paper. It is no inconvenience to the moneyed interest to

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discount this, as they are sure of their capital again in sixty days, or they can in the meantime turn it over, if occasion requires.

There is left then \$250,000 due from what is called the standing customers. It is a well known fact, that the United States Bank has, from the advantages the deposits of revenue has given them, had their choice of customers; and, give to any other bank in their vicinity their deposits, they will be very glad to take those customers off their hands, and to four times the amount of them, if necessary.

New York has loaned on its capital to the greatest proportion in amount of any of the branches—on \$1,800,000 it has loaned \$4,175,000. This has been done, the report of the bank sanctioned by the Secretary of the Treasury to the contrary notwithstanding, on the amount of deposits there, the immense deposits of revenue collected there; give them to the State banks, they will accommodate the constant customers very gladly to the amount of one-fourth as has been stated, or if necessary, no doubt can be entertained, to the whole amount of the \$4,000,000.

So, said Mr. L., of the other branches in other towns; but taking the whole together, the debt to be continued to individuals would still be reduced; something was due by mortgage and bond; how much no one but the branch owners know, supposing one-fourth of the standing debt, which may be supposed after twenty years operation, and the whole sum with which individuals would require to be accommodated would be less than \$3,000,000 in all the banks.

Having shown that there was no necessity, either of a public or private nature, which imposed the continuance of the United States Bank's charter, Mr. L. said he would endeavor to prove, that it would be highly impolitic and he believed dangerous to the safety of the country to do so.

It was a principle which the old charter claimed, and which was again to be recognised by the bill before the House, that the Government of the United States should have no control, or even superintendence over the institution. He was one of those who thought this power ought in some degree to be reserved by Government, as their share in the contract, where it was of much magnitude and to operate so materially on the general interest, as well private as political, of the community. It was true, the Secretary of the Treasury had in his report seemed to suppose that the United States had a control over this institution, because it derived its charter from the National Legislature. He could not see the force of the observation, inasmuch as after the grant was made it was held independently, and he believed that the weekly returns of general accounts to the office of the Secretary, which was the only thing required to be done, by the bank officers, could afford but a feeble check upon their transactions; it might amuse a gentleman fond of looking over statements of that kind, but what use could be made of them? Or how was it ascertained they were correct? It had been proved, in the report made on them of the third instant, that they were

utterly fallacious, and could only lead to deception—and where was the remedy? You cannot penetrate into the *arcana*, the hidden springs of the money engine. It would not perhaps be correct that Government should have such an influence in the conduct of a bank as to control its operations, but he believed it to be correct that Government should have a few directors, who should operate at least as a check, and through the medium of whom some correct information might be got, when necessary, of the secret operations of a secret tribunal.

His next objection on the ground of policy was to foreigners holding stock at all in a bank which is used for national purposes, and which particularly is contemplated to have the safe-keeping of the revenues of the country. According to this charter and the proposed bill, there was nothing to prevent foreigners from holding the whole of the stock, and indeed it was most certain, Mr. L. said, that foreigners would very soon become the sole stockholders. In March, 1809, they held nearly three-fourths. Since that time the United States Bank stock in London had been several per cent. above the American market price for the article. It was therefore a profitable remittance, which he did not doubt had taken place at the time bills were high, and our produce subject to seizures in every European sea. The bill proposed the creation of 25,000 shares, nearly equal to \$10,000,000, which could only be sold to a great profit in Europe, and there he supposed it would be sent for a market. Foreigners will then possess in our country a capital of nearly \$20,000,000, affording a circulation to three times the amount if they choose, which must influence every part of society. Nor would the United States be at all exempt from the injurious effects of this influence, from a false reliance on the discretion of her citizens. Those citizen directors would be elected by foreigners. King George the Third, or the Emperor Bonaparte, may send their men, the ostensible owners of the stock, who may easily find among the citizens of our Republic the friends and advocates of crowned heads. The former, it is said, already owns a considerable portion of this bank, and the latter should he ever design a vital injury to this country, could in no way so successfully effect it, as by taking the management of our money matters. To buy this engine would cost him 20 or \$30,000,000—nothing to the man who has in his hands the resources of the continent of Europe. If gentlemen's fears, so often expressed on this floor, have not all been mere affectation, and intended to mislead us into dangerous alliances with England, let them reflect on this subject.

Besides the political point of ruin, there was another in which the impolicy of permitting foreigners to control such an engine among us was glaring. Having the official power, and it being not improbable that foreigners might of necessity be compelled to exercise it, when all the stock shall have gone into foreign hands, they would easily manage to choose such a direction as would give the accommodations from the bank in such

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a way as to favor and prevent any particular course of trade, most beneficial to themselves and injurious to the United States—and this independently of the political favoritism which it is said has already been pretty generally exercised. In order to make himself better understood, Mr. L. said he would suppose a case, and put it in such form as would not be repugnant to the feelings of any one in the House. Suppose Bonaparte was to make the French a great commercial nation; that they were to form connexions with very many of our American merchants in our own country, that the profits on their trade were to become identified, and their course of trade the same; that other great French merchants, who had not partners among us, should have their agents, not only to do their mercantile business, but also a sort of spies on our merchants as well as our Government. Could any man doubt what would be the consequence of giving these foreign agents the encouragement of a specie fund of \$20,000,000?—that it would have the direct effect of engrossing among them the principal means of carrying on our trade, and enabling them to cramp and destroy the American merchant, if such a character under such circumstances, would be found among us?

In another, and still more alarming point of view, the renewal of the charter, particularly with an increased capital, was objectionable. It repeated the indecency committed on the States, of authorizing twenty-five persons, under foreign influence, to send into them any portion of capital, under managers of their own delegation, without consulting the State authorities. This was bad enough when the stock was held by the United States and citizens of it, and when the capital was only \$10,000,000; but increase it to twenty or thirty millions, as may be contemplated, it will not be borne by the States. They ought, and will refuse admittance, to those foreign agents. Let it be remembered, that when the branches were admitted under the present charter, it was not only under the recommending circumstances before mentioned, but it was a time when the States had no banks of their own. They have all now institutions of this kind, and they will not suffer an intrusion so unreasonable, unless they participate in the advantages, and are made safe by some share in the control. Virginia, in 1795, permitted the introduction of a branch, she has since banks of her own, some of which have smarted under the lash of this bank. Increase the power of this foreign engine an hundred per cent. and Virginia would not consent to entertain it—he hoped she would not. Mr. L. declared that he did not believe the stockholders in the United States had any right to make a contract for a renewal; a general meeting could only exercise powers within the grant of the charter—it required all, or at least a majority, to make a new contract.

Mr. L. next adverted to the particular section he had moved to strike out of the bill. He remarked, on the first provision, which proposed a sale of this privilege to the United States Bank company for twenty years, for the price of \$1,250,-

000, that although the establishment of the National Bank on proper principles was presumed to be necessary to the proper management of the finances, to grant an exclusive privilege of such an institution was unconstitutional—that the Constitution had only authorized this kind of high prerogative grant to the authors of useful inventions, thereby intending to foster genius, and not rivet on the community the powers of a political or corporate body. No one would pretend, that a bank was of new invention. The Bank of North America was older than the United States Bank. For the purposes of finances, it was not necessary the right should be exclusive, but the contrary; and very great safety as well as utility might be found in competition. It was possible it might have been deemed necessary, on the first establishment of the bank, when its success might have been supposed doubtful. It could not now be advocated for that reason, or any other reconcilable with the principles of justice and common sense.

But Mr. L. said he could not account for the monstrous proposition contained in this provision. The bank company were to be authorized to sell 25,000 shares, equal to \$10,000,000 more of capital, for their own emolument. This would probably be worth to them twice or thrice as much as they were to give for the renewal of the charter. They would, he presumed, be sold also to foreigners, and thus there would be introduced an additional foreign bank capital, which would overwhelm all the little American institutions of the kind. Mr. L. said he was afraid he could not speak with temper on this subject; and asked if gentlemen thought it expedient to make this sale of their interests to foreigners. He could not deign to look at the paltry and inadequate consideration; but he believed that it would be better for the United States this moment to be compelled to engage in a seven years foreign war, than to consent to be subjugated in the manner this monstrous proposition would effect.

By the next provision they were not to be compelled to loan to the United States more than \$5,000,000, and a rate of interest seemed to be fixed for that, at six per cent.—for if the bank were unwilling to lend a cent, (the foreigners might not like to aid our Government, particularly in times of difficulty) they need not do it, unless we give them six per cent., and then not exceeding \$5,000,000—when it is known to any man, who is capable of a moment's reflection, that a bank can always loan to Government for half the rate it can loan to an individual. At all events, a bank can loan to Government the amount of its capital, by partial calls, as the section provided, at a low rate of interest, as they have the greatest facility in their power of securing extra funds—but most particularly a bank whose paper is receivable in all payments to Government.

Mr. L. said he had but the moment the subject was called up had an opportunity of glancing at the bill, as he had been necessarily and involuntarily absent for several days, and had rode a considerable distance that morning to the House. He hoped he might have misapprehended the

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mischievous of the proviso. He proceeded to the next paragraph, and said he found some difficulty in understanding it, from reading it in his place. It contemplated a contract with this institution to have the deposits of our revenues, by agreeing to an interest of three per cent. when they exceeded a certain sum, and, if he understood the bill, there must be a sum of three millions in the bank for fourteen months before the United States would be entitled to draw any interest, and after they notify their intention to draw interest they must permit the whole of this sum to remain at least twelve months longer. These were hard terms, and nothing but an exclusive privilege would compel a submission to them, for the State banks would be glad to have our deposits on better terms, could we be left at liberty to offer them. Is it said, said Mr. L., that they should be assured of the use of our money for at least two years and two months, should get at least eight, he believed eleven per cent. for it, and only give three? But on more important grounds of consideration, can we submit that this institution shall, whether we will it or not, keep possession of our revenues for at least twelve months? Suppose in times of peace our revenues should accumulate to \$50,000,000 of deposits, Great Britain or France takes occasion suddenly to declare war against us. Their subjects then have this sum at their command for twelve months, while we may sue for \$5,000,000 or a loan of six per cent., and they have \$50,000,000 of our money at three per cent., and before the twelve months expire, may pay us with the cannon it has bought for them.

But the United States are also, if a future law can be obtained in this House for the purpose, to have a right to subscribe for blank shares! How complete is the delusion here intended by the agents of this bank. They go first into market with their ten millions of stock. If a law afterwards can be got, (and we know how difficult it is to get a law passed through both Houses on any subject) the United States may then go into market with their stock, provided they do not sell below a certain price, which at least may be presumed twenty-five per cent. The bank company are also in market, and they can make the \$1,250,000 they give for an extension of their charter, if they sell their \$10,000,000 at 12½ per cent; if they sell at twenty-five per cent. they get \$2,500,000, and gain *in numero* by the bill before us, the clear sum of \$1,250,000, instead of paying that sum for it.

Mr. L. said nothing could be more partial than the provision with respect to the District of Columbia; reciprocity in contracts was a maxim of justice not to be dispensed with; but this United States Bank, as it is falsely called, might introduce its branches into the district, and establish such a capital here as to destroy the banks already here, and carry its foreign influence into the very heart of our country. Can it be the design of gentlemen to destroy the growing prosperity of this place? Mr. L. called on the Western Representation and the Potomac interests to oppose the bill. He enlarged on the propriety of foster-

ing the interests of the district as a great means of preserving the Union, and promoting the convenience of the Government.

Mr. L. further remarked, that the observations he had made were under the pressure of extreme fatigue, and hoped the Committee would pardon him for detaining them, as he had done it only from a sense of duty to his country's interests; that on another day he should be better able, he hoped, to face the threatening danger; for he was told, but he could not believe it, that a majority of the House had thought favorably of the bill; he declared it to be impossible!—and said, that of all the unwise acts of the most unwise Administration of this country, none had ever equalled in madness and folly the present project.

Mr. TAYLOR said, it almost always happened, when gentlemen rose and prefaced their remarks with a declaration, that it was the first time they had read the bill under discussion, that they made mistakes; and the allusion just now of the gentleman from Virginia, to his, Mr. T.'s listlessness to his arguments, proceeded from the gentleman's having argued for half an hour on a blank in the bill. Does the gentleman suppose, said Mr. T., that he is now addressing a county court, and that the advantages of special pleading are to be allowed to him? All the debate which can take place, cannot change the vote of any members of the House. They have not been absent, like him, from the House, nor, like him, for the first time seen the bill to-day.

Sir, I am no stockholder. I neither hold a share in the Bank of the United States, nor any bank in the United States. I am of that class of the community by some called clodhoppers. For their interests I stand up. I wish that the charter may be extended, and am desirous in that way to paralyze the speculation now standing, like the pike, ready to snap at the bait. I am an advocate for the interests of the honest yeomanry of this country. It is due to them and to this House that I should explain the motives on which I act; the grounds on which I proceed, in relation to one topic, which the gentleman forgot, but which he might find a fair excuse for in his own bill. I mean the constitutionality of the proposition for erecting or continuing a bank at all.

The Constitution of the United States has given to the Legislature of the United States certain powers, amongst which is the power to lay and collect taxes, duties, imposts, and excises, and the power to borrow money on the credit of the United States; and the concluding clause of power, applicable to all the powers granted, gives power to make all laws necessary and proper for carrying into execution the foregoing powers. As the gentleman himself admitted, and as we have been told from the Secretary of the Treasury, the highest authority in the nation on financial affairs, that a banking institution is absolutely necessary for collecting and transferring the revenue of the United States, I am saved the trouble of establishing the constitutionality of the Bank of the United States. He admits that one bank is necessary, and, because one is, two might

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be established. I take the other end of the argument, that a general bank is necessary for carrying on the fiscal concerns of the Government, and that Government is bound to incorporate an institution of that sort, under the words "necessary and proper." If one Bank of the United States is, for that purpose, necessary and proper, and sufficient, all the power to be derived from that article of the Constitution is exhausted, and we cannot exercise it any further. Having obtained such an institution as is necessary for the collection of the revenue, you cannot by any power in the Constitution multiply institutions for the same purpose, as you will have one coming up to the definition of "necessary and proper." Therefore, when Congress shall have granted a charter to any one bank, I believe it would be incompetent in the Legislature to grant a charter to any other bank in the United States, under the excuse of its being necessary and proper for the collection of the revenue of the United States; because they will have exercised their power to the full extent. When they transcend it, I will join gentlemen, and say that we are treading on unconstitutional ground. It is from the necessity of the case that the monopoly arises.

The impolicy of employing foreign capital has been very much inveighed against. Does the gentleman recollect the case of a majority of planters in the Southern States—that they, from year to year, are in the constant habit of borrowing foreign capital? They open accounts with the merchant on the first day of January, and if they pay punctually, they pay them at the end of the year. The merchant, if he acts wisely, adds to his profit the interest of the sum he owes over the water for his goods; and the planters pay this "foreign tribute." Has the country grown the poorer for it? Look back, sir, to the first settlement of the country, and the value of every acre of land which has been opened and cultivated by the aid of this very foreign capital. It is a new idea to me that we should thus start at the bugbear of foreign capital. I thought the country was more flourishing, in proportion as you hold forth to foreigners an inducement to employ their capital here. If we pay five per cent. for a capital on which we gain ten, fifteen, or twenty per cent., it is a gain to the country. The argument of the gentleman is fallacious. Practice, which is a better guide than any theoretical speculations, will show that the wealth of the country has been increased from this foreign capital, from this bugbear, which the gentleman is so much alarmed at.

But, says the gentleman, there will be a foreign influence. George III may come over to reside here, I suppose; for, unless he were here, he could not vote. Sir, if the sky were to fall, we should catch larks; and that is not a more extreme case than the gentleman's hypothesis.

Mr. LOVE said he had supposed that the King of Great Britain would send his agents to reside here, who, being ostensible owners of the stock, might have the whole direction of the bank.

Mr. TAYLOR continued.—Then, it seems, that

we are relieved at least from one bugbear. All Europe would be much obliged to us, too, I fancy, if Bonaparte, either by himself or proxies, were to come here to speculate in bank stock, instead of busying himself with the affairs of Europe. All Europe would be glad to see him employed as a stock-jobber in the streets of Boston, or elsewhere. How are these Monarchs, by their agents, to rule the bank and work these wonders by it, when, by the original charter of the institution, it is required that stockholders, who are citizens of the United States, shall alone be eligible as bank directors? Suppose, however, that foreign stockholders had all this influence, and exerted it to gain the direction of the bank—if they continued the bank pursuant to the ordinary rules which every shop-keeper knows it ought to pursue; if the bank should pursue its own interest, it would, at the same time, pursue ours. The moment it was attempted to be made a political engine, that moment the jealousy, which a free people feels, would at once withdraw custom from it. It would sink. It is only by pursuing its own interest that this bank can flourish, I wish it in such hands that it will pursue its own interest. I can no more suppose that it will be made use of by foreign influence to our injury, than that the credit given, of a year, and sometimes longer, to our planters for stuffs, hoes, and working utensils, &c., operates to the injury of the country. Neither would I give to the Government of the United States any control over this institution. I would not put into the hands of one party or another, as it became rotten by its own sins, the power of wielding such a moneyed engine as this. The jealousy of a freeman which would, in the gentleman from Virginia, be allayed by such a course, would make me abhor giving the Government the control over it. I then should stand up a stickler for State rights and against measures tending to bring about a consolidation of the Government of the United States. For that reason, as a Republican, I am opposed to vesting the Government with any indirect surreptitious power of controlling the feelings of the people of the United States for party purposes. I do not know but what I may wish to see the present majority, if they degenerate as they may, entirely changed. I do not say such will be the case, but it might. If it were, I wish not to have this engine operating against me.

With respect to State rights, I believe it is more easily to be demonstrated, but of which I shall not attempt the demonstration, that the States are constitutionally prohibited from erecting banks in their own States, than this Government from erecting the bank we are now discussing. I fancy these bank bills are but bills of credit, after all, which the Constitution expressly prohibits the State governments from issuing; but as the States have, without even saying by your leave, sir, exerted this power, and I am contented that they should have it, I would let the usage or custom establish the law on the subject. In the same manner, I am willing that the Government of the United States, from the same usage, the

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same custom, the same acquiescence, in this Bank of the United States, should have the advantage of the same sort of usage. I recollect well to have heard, in the first Administration of WASHINGTON, that, under the treaty-making clause, the President construing the word "advice" to mean something more than mere consent, did actually go into the Senate for the purpose of making a treaty with McGillivray and the Indians; and, finding the thing so utterly impracticable, had to retire and do it by his deputy; and, from the inconvenience of the thing, the word "advice" is practically erased from the Constitution. I do not find, even under the Republican Administration of Mr. Jefferson, that it was attempted to reduce the clause to practice. When the Senate give their consent now, they give their advice also; but their advice is never asked before the treaty is finished. Sir, I could turn to cases, too, in which the Republican Administration have covenanted and agreed with this company for loans—with this company, which, if the doctrine now urged be correct, received a stolen charter, and with whom it would, in such case, be as disgraceful to trade, as for a man to trade with a notorious receiver of stolen goods. Precedent is strong on this point. The State which the gentleman (Mr. LOVE) represents, has given strong proofs, that usage has weight with them. What have they done, which evinced it? In the year 1795, when the interest on debts due to the State of Virginia amounted to but two per cent. a special law was passed by the State Legislature, authorizing this institution to receive six per cent. when others received but five. If that was not an acquiescence in it, I know not what is. The State which I have the honor to represent (South Carolina) has not, to be sure, traded with the institution; but every year, for the last six or seven, in the annual tax bill, the collectors have been directed to receive the tax in silver, or gold, or paper of the branch bank at Charleston, or their own bank. If this be not trading with them, it is an acquiescence in the value of the bills issued by that institution, and is, so far, a manifestation of the public sentiment. I dare say, if I had the statute laws of other States in the Union, the same sort of acquiescence might be produced on record. It is the case in the State of New York.

On the subject of loans, sir, it was the policy of that very Republican Administration which that gentleman applauded, it will be the policy, I hope, of this Administration, not to obtain money on extensive loans; the idea of a public debt being a public blessing, seems to have been exploded; and temporary loans are to be obtained only from moneyed institutions. Individuals loaning for a short time, and who are obliged to go into market to reinvest their stock, ask a greater premium for their money. Practice has proved that banks can do otherwise.

The argument of the gentleman that Government will be obliged to give six per centum for money, would tax him with a want of candor, if he had not said that he had but just read the bill.

The bank will have no advantage over other individuals in this respect, unless they make a loan for a shorter time, and on lower terms. The bill fixes the maximum but not the minimum. It does not prevent the United States from borrowing money at five per cent., or three per cent., or at the lowest rate at which money could be obtained across the Atlantic from a Dutch broker. The maximum was inserted to prevent foreigners from screwing the Government, and obtaining extravagant interest. We can only look to the bank for temporary loans. If Government should ever be so sorely pressed as to require larger loans than five millions, it would be policy to make extended terms, to reduce the interest. What will be the consequence of putting down this and refusing to establish any other similar institution? When we want to borrow we must apply to the States for acts of their Legislatures to authorize their banks to lend money, and be thrown back into the state of the Congress under the Old Confederation, when they called, and called again, and could not obtain a compliance with their requisitions. Loans for temporary accommodation only ought to be asked.

The language and feelings of the State Legislatures are brought into view, and an attempt is made to frighten the House with this sort of thunder clouds. They pass by, like the idle wind. They have no effect on me. I will tell you where you will meet with the scowl of the State Legislatures—for they are not composed of moneyed capitalists, but of the honest yeomanry of the country. It would be, to issue exchequer bills, to send afloat another Yazoo bubble—to blow with a mighty wind the shocking flame of depravity, which has already caught in some parts of our country—I mean the spirit of speculation, which will diffuse itself from one end of the continent to the other in these exchequer bills, or these bank bills to pass, after we put to death the present bank. This Phoenix, which the gentleman is to raise from the ashes of the defunct institution, is to go forth—*cui bono*? That so much only shall be given for them by the moneyed capitalist, as shall enable him to speculate on the unwary. The six millions of profit will not accrue to the United States, but the cormorants will gorge with it—the speculators from one end of the continent to the other will reap the benefit. On the contrary, sir, the money to be received under this bill would go into the hands of the honest yeomanry of this country; for, when it is in the Treasury, it is so much deducted from what they would otherwise have had to pay. When exchequer bills are circulated, where at last do they go? After the cormorants and rooks have made the most of them, they travel across the Atlantic, and the people of the United States are not benefited but injured by them. The end of both schemes, is, according to the gentleman's own showing, that the stock and interest will go into the pockets of foreigners. Where, then, is the objection to the present plan, which would not equally apply to his own? I cannot see it.

Not only, sir, will the Government of the Uni-

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ted States, according to the usage of commercial nations, make this company fairly and honestly pay the value of their charter, with the conditions annexed, but there is a benefit given to the United States of drawing interest upon deposits to a certain amount, which they had not under the old charter. There is also an advantage given to the United States of subscribing nine millions of dollars, not more than once in any one year; and, from the manner in which it is conducted, and according to the report of the Secretary of the Treasury, which must be correct, or he is wanting in his duty, which no man in the House suspects; from each of those millions you subscribe you will receive, perhaps, as high a profit as upon those bank shares which were sold to Sir Francis Baring and Company, at 45 per cent. advance, say, however, only 25 per centum, which will make the profit on each million, two hundred and fifty thousand dollars. But, this is too low a calculation. I believe shares will rise much higher—not from their real value—but I will state candidly that I believe they will be sold to foreigners, and that we shall get fifty per cent. on each share, and for each million, \$500,000 advance, which will be a total profit to the United States of \$4,500,000, which, with \$1,250,000, to be paid down, will be \$5,750,000, equal to the promised bonus from the gentleman's exchequer bills, without the bubble they would raise. If the plan, which I propose, be adopted, there will be no uproar and speculation throughout the continent; the mercantile gentlemen will manage it among themselves, and we clodhoppers shall not suffer from it. On the contrary, we shall feel the benefit of it in having saved us a contribution of six millions of dollars to the public Treasury. It will put down the spirit of speculation, and for that paramount reason, if there were no other, I would adopt it in preference to any other system.

I will state, and it is fair that I should do so, that the committee have had a conference with the agents of the Bank and with the Secretary of the Treasury. You have got, said the latter, the utmost extent of the bonus you ought to expect; and, at the same time, I believe, sir, I may say, that there is the utmost probability that if the bill passes with the provision contained in it, or, with such reasonable modifications as may be made, it will be accepted. The establishment or renewal of the bank will save you the necessity of borrowing the sum necessary to supply the deficit in the Treasury on disadvantageous terms; because you will be able to borrow it to be repaid in as short a time as you please to ask. If we wish not to create a national debt, it is all-important that we should have it in our power to borrow money for short periods, and on the lowest terms, both of which advantages will be afforded by this institution. Allowing that other banks had sufficient capital to answer the same purpose, they could not do it without applying to the States for the purpose. In some of the charters, I have seen an express provision against it.

Sir, I do not expect the present cloudy night is

to last long. I look for a bright morning, when commercial nations shall cease to worry each other, when commerce shall resume her wonted activity, when the Treasury shall again boast its millions. When that time comes, how degrading will it be to the Government, which shall not have anticipated such an event, and shall have borrowed money at high interest for a term of eight, ten, or twenty years; when her coffers shall be full, and she shall not be able to pay the public debts. It is all important that the Government should have the power to make short loans, and it can only be had by passing a bill to continue this institution in operation. All this talk about the immense quantity of bullion in the United States, is, it appears to me, erroneous; I believe it exists only in the gentleman's head. With all my respect for the embargo, I will observe that it was calculated, as we could not send produce by land, and our merchants owed money over the water, to drain the country of specie. It did so; and the stories we heard of barrels of guineas going over the lines to Canada, are proof of it. Will gentlemen recollect, that, in Great Britain, gold sells 12½ per cent. above par? That alone is an inducement to carry it there. Money will go to the place where it can be most conveniently used. I consider it a good domestic guest; if it could be kept here, I would not drive it out of the country. In the days of our forefathers, it has done so much good, that, out of gratitude for former favors, I would not be for driving it out of the country. I would not, by a refusal to renew the charter, weigh anchor to near seven millions, or, according to the gentleman's suspicions, nearer ten millions of dollars. We want it here, and the anticipation of war is the greatest argument in favor of keeping it here. It is all idle, sir, to talk of the deleterious effects of borrowing money from foreign countries, when we recollect that every planter, in the country where I live, has grown rich by foreign capital; has grown rich on land, which, without foreign capital, he could not have cultivated, and which, instead of five, has become by that means, worth fifty dollars an acre. This foreign capital is the greatest stimulant the country has ever experienced. I believe the utility of employing foreign capital in the United States, is the strongest ground on which the institution can stand.

I have done, sir; I have but incidentally touched the details of the bill, from being utterly unacquainted with banking affairs; and, never having owned a share in any bank, the insinuation of the gentleman from Virginia did not touch me. Sir, the gentleman does not think it could affect me; he did not think so when he uttered it; I never received accommodation of any bank for a cent. For my country I act, not for myself.

Mr. FINDLEY said he wished to offer a few observations, that would apply both to the bill and to the amendment, but was prevented by the motion for the bill laying on the table, made by the gentleman from Virginia, (Mr. Love) which precluded a reply to his arguments. [Mr. Love withdrew his motion and Mr. F. proceeded.]

When the Bank of the United States was incorporated, there were but few banks in the United States, and very little experience of the banking system was possessed, and such as had been acquired had given an unfavorable impression. Towards the close of the war, in a time of great pecuniary distress, Congress passed an ordinance incorporating the Bank of North America, but, knowing that this ordinance could not give it effect, they recommended the incorporation thereof to the respective State Legislatures. Pennsylvania and Delaware only obeyed that recommendation. It was organized in Philadelphia, and, though the capital was small, it yielded essential relief to the Government.

The charter was a complete monopoly; it was not limited in duration, and was vested with the exclusive right of banking by the ordinance by which it was incorporated in the whole United States, as far as that ordinance was obligatory. When the war was concluded, a new company was formed in Philadelphia for the purpose of banking; but when they applied to the Legislature for a charter of incorporation, the Bank of North America claimed the exclusive right, and after being heard by counsel, the application of the newly formed company was rejected, in consequence of which the next Legislature repealed the charter of the Bank of North America. Many thought it would have been better to have revised than to have repealed the charter, but the people had been more powerfully impressed with some incidental hardships that had resulted from the operations of the banking system, than with its advantages, not yet fully developed. That bank was still kept alive by the charter from the State of Delaware. The impression on the minds of the people of Pennsylvania at that time, and in several other States, was, that the banks were, if not a nuisance, at least dangerous, and of no use to Governmental operations. After two years, however, the bank obtained a limited charter.

In about four years after this, the Bank of the United States was incorporated, and the act of incorporation was powerfully opposed, on the ground that it was contrary to the Constitution of the United States, and it was supported on the opinion that it was not necessary for conducting the moneyed transactions of the Government in the best manner. It was admitted that if it was necessary, it was contained in the powers vested in Congress to levy and collect taxes, duties, imposts, and excises, and pay the debts of the United States, to support armies, and in general, to provide for the common defence; because when a special power is given, it contains in it all powers necessary to carry it into effect, and because the Constitution expressly vests Congress with all powers necessary and proper to carry the given powers into effect. Therefore, the question of the Constitutionality of the bank solely depends upon the question, whether it is necessary and proper for conducting the moneyed operations of Government. So great a change has taken place on that subject within twenty years past, that it is supposed that question is now settled. Not only the moneyed

transactions of the United States, but, it is believed, of all the State governments, are carried on through the respective branches, as well as commercial transactions, and other moneyed negotiations. Pennsylvania, formerly so much opposed to banks, has since that period incorporated many, and for seventeen years has connected banks with the Government, and conducts her moneyed transactions by their assistance. This much is offered with respect to the Constitutional authority of Congress to incorporate a bank, because it is known that some members and many citizens still doubt of it.

Mr. F. said, that from the ground on which the gentleman just sat down, (Mr. LOVE) had placed the question, it was rather indelicate to oppose his arguments. He had stated it to be a question between those who were the friends of the country, and those who were not so. However, he had also said, before he sat down, that he did not himself understand it, and also that he believed many other members did not understand it. To the truth of this, Mr. F. said, he did not object; but, however little he might understand the subject of banking, he presumed that he knew so much of it as to convince the gentleman that he was not supported in all he had asserted, and that some of his arguments were not fairly deduced.

The honorable gentleman, both on a former day and the present, has charged the directors of the Bank of the United States with having acted unfairly, nay, even with fraud, that the records of their transactions are evidently fallacious, that they cannot be understood, that the Bank has produced much more than is accounted for by the dividends, &c., that the Secretary's report is inconsistent and throws no sufficient light on the subject.

One proof he gives for the truth of this charge, is, that the branches at Boston, New York, &c., account for having gained ten or eleven per cent. on the capital in their vaults, and that the mother bank had in her vaults a capital nearly equal to that in all the branches, about \$4,500,000, and yet does not account for more than six per cent. or not so much; and he considers this circumstance as a demonstration that the mother bank at least has acted a fraudulent part by concealing her profits; whereas, if the gentleman had understood the subject, he would have taken it at least as a strong presumption that the directors have acted honestly and correctly, for this is just the way it must have been if it was honestly and wisely conducted. He has considered the bank and its branches as so many distinct banks, having their capital independent of each other. This seems to be the source of his mistake. The capital is one. It is the capital of the Bank of the United States. When the branch is established in any State, the Bank of the United States appoints the directors for the branch and vests so much capital in it as will probably be thought necessary for the demand, aided by the credit of the great firm. The bank itself is the great deposite or reservoir which contains the capital and possesses

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the credit by which the whole is supported. If the negotiations of some branches, whether on the East or South, necessarily extend to discounts, the mother bank must extend her credit, viz: must authorize the branches to draw on the mother bank, as, if a run is made on them unexpectedly, she must do the same. Consequently, she must always have sufficient capital in reserve ready to meet all such exigencies, and must not extend her discounts. If she did otherwise, she would have justly merited such censure. If the honorable gentleman had understood this he would not have censured the institution for what she would have been justly censurable for not doing.

The buildings and conducting of the bank and its branches requires considerable expense. A branch that produces no profit, but sometimes loss, may be as expensive in keeping it up, as those that are productive. The gentlemen has produced none but such as are most productive. Others may be kept up at a considerable loss. If such unfounded objections as those had been anticipated they might have been rebutted by facts, with which he was not now prepared. One fact, however, Mr. F. said, he would offer in illustration, taken from a similar institution. The Bank of Pennsylvania, in which that State was largely interested, had established a branch at Pittsburg, which did much business. She receives in deposit the money of the United States received for public land, and money of the merchants and dealers of the States on the Ohio, and in return gives drafts on the mother bank on such terms as are agreed on, (to the United States she makes no charge;) she accepts of the draft of the Treasury from this city, and discounts notes of a large amount, yet has never received any capital sum from the mother bank, but draws upon her credit. This answers every purpose in the situation of that country, but the mother bank must always reserve sufficient surplus capital to answer the demand. These drafts are more valuable in that country than specie.

In order to give credit to the gentleman's assumed charge of fraud against the directors of the Bank of the United States, we must first believe other extraordinary things. We must believe not only that all the directors of the bank elected by the stockholders, on account of their known talents and integrity, six of whom have been changed annually, for near twenty years, to have been dishonest, and chargeable with a breach of sacred trust, but that all the directors of the branch banks have been so also, as well as all the cashiers and tellers, who are changeable at pleasure, and who have frequently been changed, have united in the fraud, and while they robbed their employers were so honest to each other, that even after they have been removed from their trust, or turned out of employ, they have never to this day made the discovery. Nay, we must believe what is still more extraordinary. We must believe that the stockholders, frequently also changing, were fools. Each of them had a right to inquire into the affairs of the

Bank and the conduct of the directors, and it is to be presumed they have done it and were satisfied. The Secretary of the Treasury has for the time being had authority by law to inspect the directors of the bank, and did do it, and obtained weekly returns of its situation—these, though of different political parties, were all men of character and talents, whose moral character has not been impeached. The present Secretary of the Treasury is supposed to be honest, and his talents on this subject are admitted by all. Indeed the gentleman from Virginia has not directly questioned his integrity, but has charged him at least with incompetency. It is certain that he and all the former Secretaries must have been either incompetent, or dishonest, or both, if the honorable gentleman's assertions are correct.

Mr. F. assured the House that he was not, nor ever had been a stockholder of that bank, nor received any accommodations from it, and believed he never would; and judging from his situation and time of life he thought he was disinterested, and could have no view but the public good as far as he understood it. He had been acquainted with many of the directors of that Bank from its commencement, and knew their moral characters to have been unimpeachable, but by the law of its incorporation all the directors had been changed; one had been president of the Bank of North America since its commencement, (which was the first bank in the United States,) until he was elected director and afterwards President of the Bank of the United States, and continued to preside over that institution, until he declined the honor and labor not long since. If the gentleman's charges against the directors of that bank are well founded this venerable character (Thomas Willing) never, heretofore, charged with dishonesty, must have been dishonest in a higher degree than all the rest, because he had the superintendence of the Bank of the United States and all its branches for the longest period.

If we are to discredit these records and give credit to charges of intentional fraud so long continued, and so successfully carried on, we must give up all confidence in moral integrity and artificial checks. None can have a greater interest in seeking for moral integrity and talents, than the stockholders have. It is their property that is at risk—none can have greater checks on their conduct. Six directors, being stockholders, and going out every year, are very capable of understanding the subject, and making a scrutiny which every stockholder has a right to do. If they conceal the profits of the bank, they do it to their own loss, a circumstance very hard to believe of moneyed institutions, whose sole object is gain, for it must be admitted that the price of stock, is regulated by its productiveness in dividends. In short, if the gentleman's charges against the bank directors, &c., are well founded, we can have no confidence in our revenue officers, nor in any department to whom the receiving or paying money is entrusted.

The honorable gentleman is alarmed with the

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dangers of foreign capital in the vaults of the bank, and the amount of the dividends annually drawn to Europe. He concluded with the impressive apprehension, that the day was not far distant, when France and the United States would be in friendship, that in that case, Napoleon by his agents might purchase half the bank stock, and through that medium govern the United States.

Mr. F. said that the use of foreign capital had heretofore been of great advantage to the United States—that from the use and improvement of this, our own commercial capital had been created and our country improved. The gentleman had introduced the opinion of Mr. Baring, and given, he believed, a just statement of his wealth and credibility. That same Mr. Baring had, if he recollected well, stated that the merchants of the United States were always indebted to the British merchants and manufacturers, upwards of twelve millions sterling, for which they had a credit of eighteen months, and on which they sometimes acquired double the amount in trade before the capital was paid. Why did not gentlemen consider this foreign capital as dangerous to the United States, which, if the maxim is true, that the borrower is servant to the lender, it certainly is? For this capital our own citizens are under obligations to foreigners; for the stock subscribed for by foreigners in the bank, they are under obligations to us. How has it happened that this much more extensive amount, and much more influential use of foreign capital, has wholly escaped the honorable gentleman's observation? For his own part, Mr. F. said, he believed that foreign capital had been of use to the improvement of this country, and much more safely in the form of bank stock than otherwise. In the present state of the world, however, circumstances had in a few years greatly changed. He would not be alarmed to see Napoleon being the purchaser of the half, or even of the whole of the stock of the Bank of the United States, as he could have no vote in the direction of it. This would be the best security we could possibly have for reimbursement of the spoiliations committed by his orders. Foreigners having no vote in the choice of directors, the stock is wholly in our own power. They can even now purchase up all the stock of any State bank, if they please. It is for sale in the market. Sequestration of enemies' property is a just retaliation for depredations on the ocean, but ought to be the last resort. Commercial debts are hard to discover; commercial honor conceals them; but bank stock cannot be concealed—therefore, the sequestration of bank stock is the best security we could have in our power to operate against our greatest enemy, even if that should be Bonaparte.

There is also a mistake about the value of the deposits in the bank; its value arises more from its certainty than from its amount. No bank will venture to discount on deposits that may be withdrawn the next day. The bank directors know the course of business in which their commercial customers are engaged; they know

when the deposits will be withdrawn, and when others will be made to replace them. On these they can calculate with certainty, and discount accordingly. But this is not the case, at least, in as high a degree with revenue deposits. The quarterly payments of the public debt may indeed be calculated on with tolerable certainty; but this is not the case with numerous other demands on the public revenue, to meet which there must be always a sufficient amount ready on demand. The deposits of the public revenue, no doubt, enable the bank to extend its discounts to a certain degree; but by no means to the degree that is alleged; besides, even permanent deposits are no further of use to a bank than discounts are in demand. At present banks are so numerous as to be able to grant discounts on all good paper. And a bank, with a small capital, is more productive in proportion to the capital than a large one; but they are not so safe depositaries for the public revenue, and cannot assist the Government in the case of sudden emergencies.

The honorable gentleman considers the dangers supposed to result from the sudden stopping of the Bank of the United States as mere bugbears, artfully promoted to influence the question, and says he has heard much of them out of doors. He assures us, that the State banks, and abundant private capital in the country, are fully equal to the crisis, so much so, that no such effects will be felt as is pretended.

Mr. F. said, he was of a very different opinion. Even in countries where private capital and bank stock was much more abundant than in this country, where the greatest difficulty was to find profitable employment for money, drawing a much less sum out of circulation than the stock of the Bank of the United States, was the cause of incalculable distress. From England, from which we had learned, and still might learn, much respecting money negotiations, many examples to this purpose might be produced. He would only mention one. In seventeen hundred and ninety-three, while the National Bank of England was in full credit, and issued specie on demand, some of the usual channels of trade being stopped by the war, several private banks and commercial houses stopped payment. So much being withdrawn from the usual channels of circulation, spread distress over the whole nation, and its effects were felt in this country, and throughout the commercial world. The pressure was too great for even the Bank of England to relieve it. A general bankruptcy was so much apprehended, that Government was under the necessity of interposing, and issued five millions to be lent on the credit of deposits of merchantable goods, and on moderate interest. Half this sum, however, supplied the vacuum of the circulating medium, and retrieved credit and confidence; the other half never was called for. This instance is selected, because it is believed to be within the knowledge and recollection of every one who even read newspapers seventeen years ago.

He said, that if the paper in circulation on the credit of the ten million of dollars of bank stock

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wassuddenly drawn out of circulation, the distress occasioned thereby would be incalculable. All the aid that State or private banks could give, would not prevent it; they would be distressed themselves, and many of them stop. The demand for discounts in specie would be greater than could be supplied; and demands for discounts, even if satisfied with paper, that paper would immediately be returned, and specie demanded, and must be paid, or else the bank on which the demand is made must stop business. The whole ten millions must be raised in specie; the paper of other banks, as negotiable paper, will not do at least for the \$7,500,000, that is to return to Europe; it is presumed, this is too great a demand of specie to be suddenly supplied; besides these evils, it would lower the price of produce from Georgia to New Hampshire, and occasion numerous bankruptcies, and would even affect our credit, by disabling the merchants to pay the landed debt, and obliging such as possess funded stock to send it to the market when there would be few to purchase. Mr. F. said he was as confident that such would be the consequences of suddenly withdrawing the stock of the Bank of the United States, as he could be of any causes producing their natural effects. These consequences could only be lessened by the assistance or moderation of the stockholders. He mentioned an instance within his own knowledge, which, though comparatively small, applied to the case. A number of French royalists who took refuge in Philadelphia, being in expectation of a counter revolution, would not vest their money in bank or public stock, but had it lent on broker interest, at one per cent. a month: it had before been two per cent. In the meantime Congress brought forward the alien law, and the emigrants, not knowing who would be sent out of the country; suddenly, under that law, called in their money which, notwithstanding the assistance of the Bank, soon raised the broker's interest from one to four per cent. a month.

For these reasons, and others that might be mentioned, he was in favor of the general principles of the bill, and against the amendment. He had intended not to detain the House long, therefore would not discuss the details of the bill. He supposed they might be very much improved, in the passage of the bill, by improving the details.

The Committee now rose, reported progress, and were refused leave to sit again.

SATURDAY, April 14.

A motion was made by Mr. RHEA, of Tennessee, that the House do now adjourn; and the question being taken thereon, it was determined in the negative—yeas 5, nays 69.

Mr. NEWTON, from the Committee of Commerce and Manufactures, presented a bill for the relief of Gerge Armroyd and Company, which was read twice, and committed to a Committee of the Whole on Monday next.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting a

statement of the amount of moneys due from individuals on the first days of January, 1807 and 1810, on account of the purchase of public lands; which were read, and ordered to lie on the table.

Mr. NELSON, from the committee appointed on the 10th instant, presented a bill supplementary to an act entitled "An act more effectually to provide for the organization of the militia of the District of Columbia;" which was read twice, and committed to a Committee of the Whole on Monday next.

An engrossed bill providing for the sale of certain lands in the Indiana Territory, and for other purposes, was read the third time, and passed.

The House proceeded to consider the amendments of the Senate to the bill, entitled "An act authorizing the discharge of John Kerr from his imprisonment;" and the same, being read, were concurred in by the House.

The House resumed the consideration of the bill sent from the Senate, entitled "An act fixing the compensation of public Ministers, and of Consuls residing on the coast of Barbary."

Ordered, That the third reading of the said bill be postponed until Monday next.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act concerning the Society of La Trappe;" and a bill, entitled "An act to erect a light-house at the entrance of Scituate harbor, a stone column on a spit of land at the entrance into Boston harbor, and a beacon on Beach Point, near Plymouth harbor, in the State of Massachusetts; a light-house at the entrance of Bayou St. John, into Lake Pontchartrain; and two lights on Lake Erie;" in which bills they desire the concurrence of this House.

POST OFFICE ESTABLISHMENT.

The House took up for consideration the message from the Senate, stating their recession from all those amendments but one to the bill regulating the Post Office Establishment, which were disagreed to by the House.

The amendment made by the Senate, disagreed to by the House of Representatives, and now insisted on by the Senate, is to insert in the following section the words in italics:

"That if any person other than the Postmaster General, or his deputies, or persons by them employed, shall be concerned in setting up or maintaining any foot or horse post, stage wagon, other stage or sleigh, on any established post road, or from one post town to another post town, on any road adjacent or parallel to an established post road, or any packet boat, or other vessel, to ply regularly from one place to another, between which a regular communication, *by water*, shall be established by the United States, and shall receive any letter or packet other than newspapers, &c., shall forfeit for every such offence the sum of fifty dollars."

The effect of the amendment is to permit packets to carry letters from one post town to another; and, as it was contended, to prevent the General Post Office from establishing water mails on advantageous terms, by admitting the competition of these private conveyances.

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A motion was made by Mr. RHEA, of Tennessee, to insist on their disagreement to the amendment. The subject was warmly debated. The House determined to insist—yeas 53, nays 45, as follows:

YEAS—Willis Alston, jr., William Anderson, Ezekiel Bacon, David Bard, Daniel Blaisdell, Adam Boyd, Robert Brown, William Butler, Joseph Calhoun, Matthew Clay, Jas. Cochran, James Cox, Richard Cutts, Joseph Desha, William Findley, Jonathan Fisk, Barzillai Gannett, Thomas Gholson, Peterson Goodwyn, Thomas R. Gold, James Holland, Jacob Hufty, Richard M. Johnson, John Love, Aaron Lyle, Robert Marion, Sam'l McKee, Pleasant M. Miller, Thos. Moore, Jeremiah Morrow, Gurdon S. Mumford, Roger Nelson, John Rea of Pennsylvania, John Rhea of Tennessee, Erastus Root, Ebenezer Sage, Ebenezer Seaver, Saml. Shaw, John Smilie, John Smith, Samuel Smith, Henry Southard, Richard Stanford, Jacob Swoope, Samuel Taggart, John Taylor, John Thompson, Uri Tracy, Charles Turner, jr., Robert Weakley, Robert Whitehill, James Wilson, and Richard Winn.

NAYS—Burwell Bassett, James Breckenridge, John Brown, John Campbell, Epaphroditus Champion, John Clopton, William Crawford, John Davenport, jr., John Dawson, William Ely, James Emott, John W. Eppes, Gideon Gardner, William Hale, Nathaniel A. Haven, Daniel Heister, Jonathan H. Hubbard, Richard Jackson, jr., Robert Jenkins, William Kennedy, Edward St. Lee Livermore, Vincent Matthews, Archibald McBryde, Alexander McKim, Wm. Milnor, John Montgomery, Nicholas R. Moore, Jonathan O. Moseley, Thomas Newton, John Nicholson, Benjamin Pickman, jun., Timothy Pitkin, jr., Josiah Quincy, John Randolph, John Roane, Adam Seybert, Daniel Shesley, Dennis Smelt, Geo. Smith, Benjamin Tallmadge, Jacob Upham, Nicholas Van Dyke, Archibald Van Horn, Killian K. Van Rensselaer, and Ezekiel Whitman.

On motion it was agreed that a conference with the Senate be asked on the subject; and a committee was appointed on the part of the House.

ADDITIONAL REVENUE.

The House in Committee of the Whole, on the bill to impose additional duties on goods, wares, and merchandise, imported from foreign ports. To this committee, also, had been referred a resolution for reducing the Army and Navy of the United States.

The first section of the bill being read by the Chairman,

Mr. EFRES said that he would avail himself of the present opportunity to state the reasons which induced the Committee of Ways and Means to recommend an increase of duties, and the amount to which that increase ought to be carried. In examining the receipts into the Treasury, it will be found that the aggregate receipts during the last three years have amounted to \$37,057,373, making an average receipt for each year of \$12,500,000. The aggregate expenses during the same period have amounted to \$43,174,324, making an average expenditure of \$14,291,441 for each year; making a difference between the annual receipts and annual expenditures during the last three years of \$2,038,948. The cash and bonds which will be received during the present

year, and applicable to the expenses, amount to \$12,500,000.

The expenses of the present year, at present authorized, amount to, for the civil department	-	-	-	-	\$1,500,000
For the debt	-	-	-	-	8,000,000
Military and Naval Establishments	-	-	-	-	6,037,000

Total	-	-	-	-	\$15,537,000
Deduct cash and bonds above stated	-	-	-	-	12,500,000

Deficiency for the year 1810	-	-	-	-	\$3,037,000
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This deficiency, the amount of which will depend on the amount of the proposed reduction of expenses, must be supplied by loan. This state of the Treasury was anticipated by the Secretary, who recommended, two years since, an increase of duties. At the second session of the tenth Congress, a law passed for increasing the duties fifty per cent. The importations during that year produced \$8,000,000, on which fifty per cent. would have yielded \$4,000,000, one million more than the present deficit. While, however, the expenditures on account of the Military and Naval Establishments during the last three years have been increased so as to produce an average expenditure of \$5,024,774, which is more than double of the average expenditure for those objects during the last seven years, viz: \$2,500,000, no additional revenue has been provided to meet these extraordinary expenditures. If a reduction of \$3,000,000 should now be made in the military and naval expenses, in conformity to the suggestion of the Secretary of the Treasury, the actual saving during the present year would not exceed one-half of that sum, viz: \$1,500,000.

One quarter, already expired, consumes one-fourth of the three millions, viz: - \$750,000

To this, add expenses in the War Department, which cannot, during the present year, be reduced, viz: for ordnance, \$200,000; arsenals and armories, \$283,000; Indian Department, \$146,000, making	-	-	-	629,000
Rating, in addition to this, advances to officers and soldiers discharged, at	-	-	-	121,000

It would make a deduction from the \$3,000,000 of	-	-	-	-	\$1,500,000
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So that the actual saving at present by reducing three million dollars would not be more than \$1,500,000 for the present year. The report of the Secretary of the Treasury was predicated on a reduction at the commencement of the present session of Congress, and, also, on the restoration of commerce. Taking, therefore, the actual saving by reduction at \$1,500,000, as above stated, and adding \$1,000,000 which the Secretary of the Treasury estimates as necessary at all times to be in the Treasury, it would leave to be provided for the present year \$2,500,000. If no

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reduction in the present establishments should be made, the sum for actual deficiency would be \$3,000,000, as stated in the report of the Secretary of the Treasury, to which, adding \$1,000,000 as a sum necessary to remain in the Treasury, it would make the whole sum to be provided \$4,000,000. This deficiency, whether \$2,500,000 or \$4,000,000, must be supplied by loan, as a very small portion of the sum produced by additional duties would come into the Treasury during the present year. For the present year, the revenue from imposts will probably not exceed that of the last year, viz: \$8,000,000, and rating the other sources of revenue the same as last year, viz: at \$1,000,000, the whole receipts of this year may be stated at \$9,000,000. Rating the expenses for 1811 at \$10,000,000, and deducting the receipts for this year, viz: \$9,000,000, it would leave for the next year a deficiency of \$1,000,000, to which adding \$1,000,000 to remain in the Treasury, the deficiency for 1811 will be \$2,000,000. In rating, however, the expenses of 1811 at \$10,000,000 only, the Military and Naval Establishments are put down at \$2,500,000, and the payment on account of the public debt at \$5,960,000, viz: \$4,100,000 for interest on the public debt, including the reimbursement on the six per cent. and deferred stocks, and \$1,860,000 for the reimbursement of the converted six per cent. stock. If a reduction in the Army and Navy to the amount stated by the Secretary of the Treasury, viz: \$3,000,000 only, should be made, the expenses of the year 1811 would be \$10,537,000, and leave a deficiency of \$2,537,000 exclusive of the interest on the amount of the loan authorized during the present year. From this statement it appears that the annual expenditures during the last three years have exceeded the annual receipts into the Treasury \$2,038,940. That estimating the expenses of the next year at the lowest possible grade, and allowing for a reduction of \$3,000,000 in the Navy and Army, there will be a deficiency, including \$1,000,000 to remain in the Treasury, of \$2,537,000. That the revenue of a country in time of peace ought to equal its expenditures, is a position that cannot be denied. The only question, therefore, seems to be, to what amount ought the revenue to be increased? Taking the deficiency of the present year, or the probable deficiency of the next, it would appear that an additional revenue to the amount of \$3,000,000 ought to be provided, whether the present establishments shall be reduced or not. It is believed that an additional duty of five per cent. on *ad valorem* articles, and of thirty-three and a third per cent. on articles paying specific duties, will probably produce \$3,000,000. In order to ascertain the amount which will be produced by the additional duties proposed, I will test it on the average imports for seven years, for three years, and on the imports for 1809, and the probable imports of 1810.

The whole amount of *ad valorem* articles on which duties have been collected from 1802 to 1808, including those two years, and making a period of seven years, may be stated as follows:

Articles at twelve-and-a-half per cent.	- - - - -	\$203,945,366
Articles at fifteen per cent.	- - - - -	50,515,256
Articles at twenty per cent.	- - - - -	2,849,175
Total	- - - - -	<u>\$257,309,791</u>

Average for seven years \$36,758,542, which at five per cent. is \$1,837,927.

The duties actually collected, exclusive of exportation and drawback, and on specific articles during the same period, may be stated as follows:

Spirits	- - - - -	\$17,205,480
Sugar	- - - - -	11,152,847
Wines	- - - - -	4,900,140
Teas	- - - - -	5,183,965
Coffee	- - - - -	4,299,599
Molasses	- - - - -	2,564,427
All other articles	- - - - -	4,712,834

Total - - - - - \$49,909,292

Average for seven years, \$7,129,898, which at thirty-three-and-a-third per cent. makes \$2,376,632

Add duty on specific articles - - - - - \$4,214,559

Deduct average expense for collection and for duties refunded - - - - - 546,142

Which gives for the amount produced by five per cent. on *ad valorem* articles, and thirty-three-and-a-third per cent. on the average for specific for seven years, the sum of - - - - - \$3,668,427

The same taken on the average of three years, viz: 1806, 1807, 1808, would produce, on *ad valorem* articles - - - - - \$1,862,626

On specific - - - - - 2,723,241

\$4,585,867

Deduct for average amount of duties refunded and expense of collection - - - - - 546,427

Which gives for the amount of the new duties on the average of three years - - - - - \$4,039,440

During the first seven years of this period, the average revenue exceeded \$13,000,000. During the three last, it exceeded \$14,000,000, which is greatly above what we can calculate on during the present, or probably succeeding years. Taken on the year 1808,

Articles at twelve-and a half per cent. produce \$17,983,125

Articles at fifteen per cent. - - - - - 2,622,478

Articles at twenty - - - - - 66,647

\$20,672,250

Which at five per cent. is \$1,033,612.

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<i>Specific articles for 1808.</i>	
Spirits - - - -	\$1,333,473
Sugar - - - -	2,219,489
Wines - - - -	400,448
Teas - - - -	973,153
Coffee - - - -	1,554,774
Molasses - - - -	322,803
All other articles - - - -	841,687
	<u>\$7,645,827</u>
Which at thirty-three-and a-third per cent. makes - - - -	\$2,548,642
Duty on specific articles, add - - - -	1,033,612
	<u>\$3,582,254</u>
Deduct for duties refunded and expense of collection - - - -	546,132
	<u>\$3,036,122</u>
Amount of the proposed duties on the imports of 1808 - - - -	\$3,036,122

It will be seen from this statement that the amount of specific duties for 1808, exceeds the average amount of the same duties during the last seven years, exportation having been prevented by the embargo and non-intercourse. The duty, for instance, on sugar in 1808, produced \$2,219,489, double what it was in any preceding year, except 1806. The duty on coffee, also, produced \$1,554,774, which is three times the average duty for seven years.

The Treasury returns for 1809 not being in, we do not know the exact amount of articles imported. Taking the duties at \$8,000,000, as stated partly on estimate by the Secretary of the Treasury, and allowing the ordinary proportion for ad valorem and specific articles, and the additional duties proposed would yield \$2,666,000.

For the year 1810 we cannot calculate that the importation of articles paying ad valorem duties will exceed, after deductions, \$20,000,000, which at five per cent. is - - - - \$1,000,000
Specific duties \$6,000,000, at thirty-three-and-a-third per cent. - - - - 2,000,000

	<u>\$3,000,000</u>
Deduct for duties refunded and expense of collection - - - -	546,000
	<u>\$2,454,000</u>
Amount of the new duties on the probable imports of 1810 - - - -	\$2,454,000

It may be supposed that the estimate for the importations for 1810 is too low. It must, however, be recollected that one-quarter of the year has expired; that the state of uncertainty in which the merchants have been placed as to the renewal of intercourse, must materially affect the Spring importations; that the increase of our manufactures will lessen the demand for many articles, particularly those paying ad valorem duties; that the duty on specific articles will be reduced by the exclusion of gin and of brandy, which can only, in the present state of the world, be im-

ported in very small quantities. The duties on brandies during the years 1803, 1804, and 1805, exceeded annually \$2,000,000, and \$398,000 were produced by the duty on gin in 1805. Mr. E. then moved to fill the first blank with five per cent., and said he should move to fill the second blank with thirty-three-and-a-third per cent.

Mr. RANDOLPH said that this was a very unexpected discussion to him, and he thought it would be more regular for the Committee, before they undertook to make provision for a deficit in the receipts, thoroughly and distinctly to understand the amount of that deficit. As well as he could understand the gentleman who had just sat down, a part of his statement was bottomed upon the supposition of the reduction in the Army and Navy, and he went on to show that a reduction in the Army to a certain extent would not meet the present defalcation. That, Mr. R. said, he was willing to admit. But how were the Committee to ascertain, before they took up the proposition, to what extent the House was willing to continue the reduction? How could it fairly be inferred that the Committee would stop short precisely at this sum of three millions mentioned by the Secretary of the Treasury in his report, and repeated by the gentleman from Virginia? Mr. R. said he was indeed willing to allow that the Chairman of the Committee of Ways and Means had made out one part of this case—he was willing to agree, that calamitous as is the state of the financial affairs of this country, they were even more calamitously situated than gentlemen who had not turned their attention particularly to them could have supposed; and that this retrenchment to the extent of three millions, recommended in December last, not having been then made, one complete quarter at least not only of additional expense but (if he might express himself in that language) of subtractational revenue having since passed, it would become necessary most unquestionably to carry the reduction beyond the point mentioned by the Secretary of the Treasury, or to make provision to meet that expense. Mr. R. said it was not his intention at this moment to enter into a discussion of that question, but to propose to the Committee to lay this bill on the table and take up the resolution for the reduction of the Army and Navy. When the question was decided, they would be better able to tell to what extent it was proper to lay duties to meet the deficit in the revenue.

Mr. PITKIN hoped that the motion would prevail, because, certainly, as had been stated by the Secretary of the Treasury at the commencement of the session, provided there was a reduction in the Army and Navy there would be no necessity for any additional duties at all. The only difference in the state of things now and that which existed at the time of making that statement, was, that still greater expense had been incurred in the interval. It was certainly of infinite importance to know whether the present Army and the present Naval Establishment were to be kept up, and whether, for the purpose of maintaining them, additional taxes were to be laid. He wished the

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question of reduction first to be decided; for if these establishments were kept up, he said it was very clear that we should have not only loans but taxes to provide for.

The motion to lay the bill on the table was lost, 51 to 41.

Mr. RANDOLPH observed that he could not say that he admired this sweeping mode of taxing the people of this country, and he put it to the Committee whether they would at this time, when there was scarcely a quorum in their seats, lay a tax? Why did they go into a Committee of the Whole? He presumed for the purpose of thoroughly discussing any matter, more particularly a proposition which went to increase the burdens of the people. He therefore moved that the Committee rise. He had wished for some time past to have this subject called up and discussed, but he had thought it due to the House that notice should be given of it. He said he should be willing to meet it on Monday. Mr. R. further observed that a recurrence to the Journals would show that the House had lately done business in a very extraordinary manner. A few days ago, said he, we were on a bill from the Committee of Foreign Relations. This was a matter of great national concern. A member on my right moved an important amendment to it, and the Committee rose. The next day, instead of finding ourselves upon that subject, we got upon some other. It would seem as if it was a standing rule or order of the House never to act on any one subject two days successively. Can it be supposed, sir, that any man who thinks at all can bring a mind to this assembly prepared for anything which is possibly to arise? Figure to yourself a court of justice, instead of having a docket, on which the suits are regularly entered, to take up one cause, try it a little, and then take up another, till they had commenced three or four, and then go back again to the first. Are there any lawyers in the world can bring their minds into court in a situation to try the fractional part of three or four causes, the first point of which they had probably discussed four or five weeks ago? With notice they might do it, but not without. Let the Committee ask themselves whether they are prepared to discuss this bill. Every man who brought here a mind made up for the discussion of the points before you will vote against my motion. I had not the most distant conception that the subject would come up to-day. I do not believe that this is a peculiar case, but that it is the case of many members of the Committee. Really, the manner in which we do business in this House is such as is calculated to stupify the strongest understanding in the world. No one subject is fixed for a particular time and then debated and decided; but, with an apathy and levity unexampled, we go on as it were pell-mell with every thing at once.

Mr. ERPES said he thought it proper to state that when the order of the day was originally fixed, he had given the gentleman notice of the day, when he should call it up. I was on that day, said Mr. E., unfortunately confined by sick-

ness. From the time I have been able to come to the House I have called daily for the bill, which has been long reported to the House. Every gentleman must have had an opportunity of forming an opinion whether he will increase the duties or not. I am about to leave this place, and should have left it before now but for this bill, which I wish to have acted on before I go. I wish a decision of the question, because, if it be now postponed, it may make a difference of a great part of the Spring importations. The postponement of the bill for but a short time may make a great difference in the amount of revenue.

Mr. LIVERMORE said this appeared to him to be a subject on which the House could not proceed with too much deliberation. This (Saturday) was a day on which gentlemen did not usually attend with punctuality. It was of importance that there should be a full expression of the opinion of this House on the subject. Gentlemen could not wish to carry such a question by a bare majority. Possibly a vote might be taken to-day, the House being thin, which would be reversed next week. For his own part, Mr. L. said, he wanted more time to deliberate. The discussion of the bill had been delayed so long that he thought the subject had been given up. He said he wished gentlemen to consider whether it was of importance to press a decision at this time. He thought it could be demonstrated that it was a very injurious mode of attempting at this time to raise a revenue. Gentlemen seemed to think that they had only to say it and it was done. Now, he was of opinion that so far from increasing, it might and probably would diminish our revenue. He was astonished, however, that gentlemen should press a decision at this moment, and hoped the Committee would rise.

Mr. RUEA hoped the subject would not be postponed. Many gentlemen had obtained leave of absence after Monday next, whose opinions he wished to hear on this subject, among whom he believed was the gentleman from Massachusetts last up. Mr. R. said he wished to have the benefit of his valuable information on the subject.

Mr. PITKIN said it would be well recollected, that at the instance of a gentleman from Massachusetts (Mr. BACON) a resolution had been passed at the last session calling upon the Secretary of the Treasury for an account of the various manufactures of the United States, with a view of ascertaining whether it would be proper to give any encouragement to manufactures, and whether it would be proper to lay additional duties for that purpose. Now this report had not yet been received, though he understood it was to come. If it should, he presumed no person in the House, however desirous to encourage domestic manufactures, would do it in any other manner than by specific duties. Ought not the House, then, he asked, before they laid duties, to ascertain what articles we could manufacture, and make some discrimination between articles which we can manufacture, and which we cannot? He said he was not one of those who would discourage manufactures, but he did not wish to

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pass laws to encourage them without knowing anything about them.

Mr. LYON said it was impossible for any person with a mind like his to follow gentlemen in their projects for raising revenue. On one day he heard that the revenue was not wanted, because they were about to reduce the Army and Navy; another day that they were to get money by the bank, and another day that it was to be procured by loan. He said he had no objection to raising revenue, but he did not want to be hurried into it in this way. The duties laid on imports, said he, come out of the people's pockets at last. This we all understand. And what need is there to be in such extreme hurry? I am very sorry that we cannot have the company of the gentleman from Virginia (Mr. EPPES) any longer. I esteem his knowledge—but I wish he had introduced the subject more particularly heretofore. I wish gentlemen would recollect that they can never take back such taxes. I wish them to remember that this will be a permanent addition to the mode of raising revenue. Mr. L. wished the tariff of duties to be revised, and a selection to be made of such articles as were susceptible of higher duties. He wished to go into the matter understandingly, and not to be hurried into it. He said he understood this subject at least as well as one half of the gentlemen who were now so willing to act on it; but he was entirely unable to act understandingly on it, for he was not prepared for it, as he had thought, with the gentleman from Massachusetts, that the project had gone to sleep.

The Committee refused to rise, 60 to 40.

The question recurring on filling the first bank with "five per cent.,"

Mr. QUINCY moved to strike out the first section of the bill. He said that in making this motion it was not his intention to delay or embarrass the Committee; but to bring before them the distinct inquiry which it seemed to him they ought to make before they proceeded further—and that was, whether there was a necessity for laying the duties proposed by the bill. It would have been extremely gratifying to him, if time had been allowed for the investigation of this subject. It appeared to him, he said, that considerations might be adduced to this House of a nature which would make the expediency of such a measure extremely questionable; but, inasmuch as it was thought necessary to enter upon it now, he asked leave of the Committee to state one objection, which to his mind was most strong and forcible; and that was, that the Secretary of the Treasury, the official organ of the Government, had not assumed to himself the responsibility of recommending an increase of duties. It seemed to be taken for granted by the Chairman of the Committee of Ways and Means that he had; but if his reports were examined, the reverse would be found to be the fact. On the contrary, his reports, taken according to their true meaning and examined with reference to decide critically what he intended to recommend, Mr. Q. said it would be found, did not recommend an augmen-

tation of the revenue in the situation in which the United States now stood.

Further, he said he could show that these taxes were not necessary before the time within which Congress would again constitutionally assemble, and within which it would be in their power to supply the deficiency, if any existed, in the very mode in which the Secretary of the Treasury recommended, and which was the only recommendation which he did make.

Mr. Q. entered into a long and critical examination of the report lately made by the Secretary of the Treasury, with reference to his former reports; from which he drew the conclusion that the Secretary of the Treasury had only recommended loans in the event of a war existing or in contemplation.

To my mind, said he, the instant you pass this bill, if it occasion any clamor in the community, any popular discontent, the Secretary of the Treasury has nothing to do but to refer to his own reports and tell the people his recommendation was directly the reverse of the course which was pursued, and you cannot attach to the Secretary of the Treasury, from all these reports taken together, any recommendation of an increase of duties. It appears to me, so far from recommending an augmentation of the existing duties, the Secretary of the Treasury has relieved himself from the responsibility of recommending it by a recommendation directly the reverse.

Nor is this tax necessary. It is certainly not necessary for the present year. If the proposition made concurrent with this be adopted, so far as relates to 1810, a loan of four millions will be sufficient to answer all the purposes of the next year. I ask, then, whether this Committee is prepared to augment the duties for one year—to attempt to increase the revenue by a course of policy so uncertain? I should not object to augment the present duties, if there appeared to be any intelligence on the subject of taxation, if it was not done in this sweeping way; but to augment the duties without recommendation appears to me to be sporting with the interests of the people, and doing an act wholly unnecessary and not required by existing circumstances.

The question on striking out the first section of the bill was lost—51 to 33.

Mr. RANDOLPH again moved to lay the bill on the table.

Mr. MACON thought that the present discussion was putting the cart before the horse. If the Army and Navy were reduced, it would not be necessary to lay the tax. Nothing was clearer than that, if a tax was to be laid, it should not be greater than was necessary. If the tax was laid before the question on the reduction of the Army and Navy was decided on, it must be laid to meet the full amount of the expenditure of the Army and Navy. He said, he very much doubted whether there was any necessity for any tax at all, if the Army and Navy were reduced. If the Army was disbanded and the Navy sold, we should not, perhaps, want half a million—not a million and a half on the outside. That might be obtained

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by loans payable at a short date. If the Navy were now reduced the expenditure of the three quarters of the present year would be saved. One quarter of the year had already expired, and the wisest man in the nation could not tell of what use the Army and Navy had been during that quarter. He supposed it might be kept up to look at. You must, said Mr. M., get clear of the navy yards. If you do not put them down, unquestionably, they will put you down. How is it with the Army? Has it been employed to more advantage? Its situation is too melancholy to be spoken of; and, if anything could disgust the people of the territory we acquired some years since, it must be the management of that Army; for, however much they hear of our good Government, after such a specimen, they must have a despicable opinion of it, indeed. The question of reducing these establishments should be decided before we lay a tax. There are difficulties in getting clear of a tax. Lay a tax once, and you directly unite in support of it every man who has a connexion who is a collector of taxes, except in large towns where the perquisite is limited. In other towns, the higher the tax the higher are the perquisites of the collector, and you unite all his connexions in support of the tax. I hope, sir, that we shall put the horse before the cart, and decide whether we will not make a reduction in our expenses. I will not raise a tax of a cent to support the present plan. I have no hesitation in saying, that I shall feel bound to vote down the additional force of six thousand men, whenever the subject shall come before us. I voted for it; but found that then, as now, we talk a great deal about war, and do nothing.

Mr. TALLMADGE said that when the question of increasing the duties had been submitted to the House, it was, indeed, a distinct proposition; but when the gentleman from Virginia (Mr. RANDOLPH) had submitted a proposition for the reduction of the Army and Navy, what could possibly have been his view, and that of the members of the House, in directing that proposition to be referred to the same Committee of the Whole to whom the bill for laying additional duties had been committed, unless that should be discussed prior to the decision on the latter bill? Was there any gentleman on this floor who would say that he meant, first, to decide on the bill for laying additional duties, and then to reduce our expenses? The determination on the proposition to reduce the Army and Navy, would materially affect the question of the propriety of increasing the duties. To his astonishment, Mr. T. said, he had seen the question once decided, by the Committee, not to lay this bill on the table. It looked very much as if the gentlemen were disposed, at all events, to carry the question as proposed by the gentleman from Virginia, let the Army and Navy be reduced or not. Indeed, if the House were determined to raise the *ad valorem* duties five per cent., and the specific duties thirty-three and one-third per cent., on the present amount, he did not know but the Army and Navy might as well consume it as anything else. The revenue

was not wanted for anything else. The Secretary of the Treasury had said, in his reports, and made no difficulty in saying, in conversation, that, if Congress were to put down the newly-raised levies, additional duties were not wanting. Was it not, then, highly necessary, before a tax was laid, to determine whether revenue were wanting? If the expenditures for the Army and Navy were not lowered, Mr. T. said, he would go all proper lengths to raise money to meet the expenditure.

The motion to lay the bill on the table was negatived—55 to 51.

The question recurred on Mr. ERPES's motion to fill the blank with *five per cent.*

Mr. RANDOLPH said, he had but a very few remarks to make on this subject; but it was impossible that he could make those few with any satisfaction to the Committee or to himself. He was somewhat in doubt whether, on this important question, it would not be better to assent to the procedure, for which an anxiety so restless was displayed, to decide this question, in the first place, and afterwards to discuss it. If that was the course which the Committee chose the subject should take, it was not for him to interrupt them. Am I at liberty, sir, to proceed?

The SPEAKER said, that the gentleman from Virginia was certainly in order.

But, sir, said Mr. RANDOLPH, there are circumstances under which it is, perhaps, not within the compass of human powers—certainly not within mine—to address even a legislative assembly.

[Order having been established in the Committee, Mr. R. went on.]

I understood, sir, said he, the gentleman who brought forward this proposition to bottom his tax upon the basis of defraying the war loans which he is about to negotiate, and, in this view of the case, I certainly cannot concur with my friend from North Carolina. I think the cart has not been put before the horse, but that it is expedient, and I wish it was deemed so on all other occasions, to provide the ways and means, before we incur a debt, or at least paying the interest of that debt. I understood—though there were so many supposititious cases put, that I could not tell precisely the amount at which this tax was estimated—that it is not calculated to go beyond two and a half, certainly not beyond three, millions of dollars; and, for the purpose of ascertaining this point, I asked a private explanation of the gentleman proposing to lay the taxes. Now, sir, one of the plainest propositions ever submitted to a legislative assembly is before this Committee and the nation. It is, whether we will assent to an additional annual burden of from two and a half to three millions of dollars for the purpose of defraying the expense of our Military and Naval Establishments at their present extent, or reduce those establishments? We are, indeed, brought to a most calamitous situation, if, without embargo, or non-intercourse, or war, without either of these three great national blessings, we are to be driven to the necessity of laying an annual tax to the amount of three millions to de-

fray the interest of loans necessary to carry on our Peace Establishment. If this be the condition to which this once proud and flourishing nation has been reduced, there is a deep and deadly sin to be answered for somewhere, and by somebody. The whole of the argument which I shall offer on this subject is comprised in a simple piece of paper, in the hands of every gentleman in the Committee—an account of the gross annual amount of expenditure in relation to our Military and Naval Establishments, from 1789 to 1809. The Committee will recollect that, a few days ago—it was not my fault it was done so late, I could not get the floor—I submitted a resolution calling on the Treasury Department for an account of the annual receipts into the Treasury of the United States. It is not now on the table, nor have I been able to make it out from the documents in the Clerk's office, because I have not been able to obtain any of the annual reports further back than about the year 1801 or 1802. That statement would have been of material value in determining the question now before the Committee. If we have it not, we must get along with this subject with such crippled means as are left in our power. I find from Gallatin's View of the Finances, that the receipts up to the first day of January, 1796, were forty-four millions and some odd thousands. There, then, remains to be accounted for the receipts of two years of General WASHINGTON's Administration, (1796 and 1797,) which, taken at an average, may be fairly calculated at fourteen millions, perhaps not so much. This will bring the gross receipts of General WASHINGTON's Administration to fifty-eight millions; a sum which, I will venture to say, it did not exceed. I find, by the statement which I hold in my hand, that the whole expenditures in relation to the Army and Navy, up to the end of the year 1797, are \$11,257,000; and I will beg leave to explain to the Committee why I take up to the end of the year 1797, and do not stop at the third of March in that year. Although his successor came in on the fourth of March, all the appropriations for that year were made under the last Congress of WASHINGTON's Administration, and he ought to be answerable for the expenses, since they were not only incurred, but defrayed by him. What was the revenue during Mr. Adams's Administration I have not ascertained accurately, and I have not put it in estimate. To get at it was one of the objects of my application to the Treasury Department—there is such a dreadful dilapidation in the official documents of this House that I find nothing further back than somewhere about the year 1800. The receipts during the Administration of WASHINGTON were fifty-eight millions, and the expenditures for the Army and Navy were eleven and a quarter. The expenditure of Mr. Adams, for the same objects, was eighteen millions. The expenditure, for the first four years of the Administration of Mr. Jefferson, was eight millions six hundred thousand; and of the last four years, sixteen millions four hundred and forty-three thousand dollars; making a total of twenty-five millions expended under his

Administration for the Army and Navy. Now, with regard to the receipts—from a Treasury statement made in 1805 or 1806, I discover that, from the first of April, 1801, (three days after the induction of Mr. Jefferson into office,) up to the 30th of March, 1805, comprising the first term of his Administration, he received fifty millions six hundred and sixty-seven thousand dollars; some of the items of these fifty millions I will beg leave to state. Exclusive of the great article of customs, common to all Administrations, the amount of receipts from which quarter was \$45,174,000, during the same period there was received from public lands \$1,032,000, from the Post Office \$133,000, from internal taxes \$1,700,000, from the direct tax (yes, sir, from the direct tax) \$673,000, from the sale of bank shares \$1,287,000, and from the sale of public ships (a part of this very Navy which has since cost so much) \$380,000; and yet, sir, wonderful to relate, it would seem that the cost of the Navy had been in the inverse ratio to the force and public service of that Navy. In proportion as it had been useless, in proportion as it had been reduced—and that may perhaps, though I hope it will not, weigh with some members against a farther reduction of it, lest it should prove still more expensive—in proportion as it has been inefficient, so has it been costly. But, not to detain the Committee or get out of the track in which I wish to keep, the receipts of the first four years of Mr. Jefferson's Administration were \$50,667,000, and the expenses of the Army and Navy only \$8,600,000. The receipts of the ensuing four years, as nearly as I can ascertain them, were \$68,000,000; and the expenditure for the Army and Navy \$16,000,000. If any man will take the trouble, in dividing this estimate of expenditure, not only to distinguish the Administration of Mr. Adams from that of General WASHINGTON on the one hand, and that of Mr. Jefferson on the other, but also to contradistinguish the first four years of Mr. Jefferson's government from the succeeding four years, he will discover that the contrast between the first four years of Mr. Jefferson and the four of Mr. Adams is not greater than the contrast between the last four years of Mr. Jefferson's Administration, and the first four. Try it by whatever test you please, this will be the result; and this, now that the transactions are over, now that the doings and workings of that day are gone by, and their effects presented in broad and legible characters, this difference may account, with men who think sometimes, for that division, for that *schism*, as it is termed, among the Republican party of this country, which relates to the first and second part of the Administration of the late President of the United States. This argument is in figures, and figures which cannot be disputed. In other arguments there may be some defect in the soundness of the premises, or in the deduction drawn from them; but, in an argument like that which I hold in my hand, there can be no difference of opinion—it speaks, not only to the judgment, but to the senses.

There is another view of this subject. The first

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four years of Mr. Jefferson's Administration were not more distinguished by the flourishing state of the revenue on the one hand, than by the economical administration of it on the other. We had then to boast of a vast amount of public debt reduced, and of millions in our Treasury; but when we come to the last year there is a dreadful falling off, indeed. In proportion as the public expenditure has been lavish, so have the public receipts been scanty and insufficient. The two things run, as it were, in a perfect parallel. It has been well observed by a great master of human nature, speaking of the dilapidation of a great estate in a few years, that it is inconceivable how debts and expenditures go on increasing when persons become careless, or desperate, as their circumstances become embarrassed. The same rule holds good as to political estates, and the observation is verified in the history of our political life. I find that, in the first year of the last Administration, the revenue was twelve millions, and the expenditure on the Army and Navy two millions. I find that Mr. Jefferson went out of office and left a revenue of \$6,900,000, and the expenses of the Army and Navy, excluding the Indian department, amounted to \$5,773,000; that, when he came into office he found a revenue six times as great as the expenses of the Army and Navy, and that, when he went out, he left the expenses of the Army and Navy almost equal to the revenue! Not merely because the expense of the Army and Navy was more, but because the revenue was less,—but not merely because the revenue was less, but because the expenditure of the Army and Navy was more. As the one fell, so did the other rise; and, instead of a revenue of *twelve* millions, with a military and naval expenditure of *two*, he left us with a revenue of *six* millions, and a military and naval expenditure of *five*. And, sir, for whose benefit? It will be seen, too, by a recurrence to these documents, that the revenue of the year 1807 was sixteen millions seven hundred thousand dollars; and that it was greater than any year's revenue, except that of the year 1800—the difference between them was very little; and consequently, for all our revenue was at that time drawn from commerce, at the very time when we entered upon the system which has reduced our revenue to ten and then to six millions and a half annually, commerce must have been in a state more productive and flourishing than had been known from the commencement of the Federal Government. These are *facts*. The duties on imports and tonnage could not continue to grow without the growth of that commerce on which they were levied. At the very moment, then, that the revenue from our commerce had grown from twelve to seventeen millions, that was the moment in which it was deemed advisable to destroy that commerce, and the revenue that depended upon it, to go into a wide waste of military and naval expense; and with nations as with individuals, in consequence of our extravagance, we have come to shame—to want—to going to jail, almost, if the nation could be sent there. It is a curious circumstance, as the House

will perceive—but, fortunately for us, at that time we were not quite so wise as we are now—that the year 1802 produced a defalcation in our revenue of nearly two millions, while, in the year 1803, our receipts immediately increased to eleven millions; and, in the year 1804, had increased nearly three millions of dollars. The cause is stated in the Treasury report, from which I extract this statement. It is, that the defalcation from *twelve* to *ten* millions was to be ascribed to the only year of peace which Europe had known for many years; and the subsequent increase to eleven and a half and thirteen and a half, in the two succeeding years, was to be ascribed to *two* facts; the recommencement of the war in Europe and the preservation, on our part, of our *neutral attitude*. Well, sir, what then was estimate, opinion, conjecture, was mere prophecy, is now history; and nothing remains for us but to resume and preserve that neutral attitude which, the very year we took measures for guarding against such an influx of money into our Treasury, produced a revenue of \$16,700,000 to this country.

There is, sir, a sort of comparative political anatomy, the study of which will not be found unprofitable. You find, on the accession of Mr. Adams to office, that the military and naval expenditure sprung up from \$1,300,000 to \$3,300,000; you find that it went on in progressive increase to near six millions annually; but, sir, when it was found that this prodigality would be endured no longer by the people, any more than the taxes and loans which were resorted to, to support it, then that old gentleman attempted something like a retreat; then he began a system of retrenchment; but, unfortunately for him, he began too late. He lost his seat at the helm; and those who succeeded him, on the ground of opposition to the taxes which he laid, received, as will be perceived from the statement which I have copied from the Treasury report, out of those resources, taking into calculation the bank shares sold, nearly five millions of dollars. We find, too, by recurring to this statement, that the most expensive year of Mr. Adams's Administration, as it related to the Army and Navy, cost us \$5,900,000; that the most expensive year of the late Administration cost us \$5,700,000—I allude now to the year 1809—and if any gentleman object to taking that year, inasmuch as the present President of the United States came into office on the 4th of March, 1809, the answer is ready—that all the expenses of that year were incurred, and *voted* by his predecessor—and, in corroboration of this statement, the House will find that the retrenchment in the expenses of the Army and Navy made in 1801, appears in the expenditure of the succeeding year, 1802, because it was impossible that the measure could be felt sooner than the year after it was adopted. So, we find that the Naval Establishment which, in the last year of Mr. Adams's Administration cost two millions, in the first of Mr. Jefferson's did not cost one. Let us suppose that all your Administrations had been equally economical with the first; let us suppose

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that the military intrusted to the charge of General WASHINGTON had not a long cruel, bloody, Indian war, to carry on; that, like the army of the last President, it had nothing more to contend with than the mosquitoes of the Mississippi—let us suppose that the Navy of Mr. Adams, reduced by our sales (I say *our*, for I claim a part in the transactions of the first four years of Mr. Jefferson's Administration,) had not to scour our seas of privateers and pirates; that our ships had not an enemy to cope with; that, instead of being all in commission, they were laid up in ordinary; that, instead of having the Insurgente and Berceau to encounter, they had only to repose in the mud of the Eastern branch; let us suppose all this, and that the Army and Navy, subsequently to the year 1801, were as actively engaged as prior to the year 1801. I will ask any member of the Committee to tell, if he can, what benefit we have derived from either; or what good the nation have received from them? What have we got to show for our money, for twenty-five millions, which have been spent under the last Administration on those objects? It is true that, under the Administration of General WASHINGTON, our country sustained one of the most singular and bloody defeats that the same body, or any body, of men ever met with from a numerous, well organized, and most desperate foe; and yet, sir, it would be difficult to establish the fact, whatever might then have been the public sentiment of gloom and despondency, that the loss of that army on that occasion, or of any other army whatsoever, surpassed the loss which ours has lately sustained in time of profound peace! The victory of Cannæ itself was not so bloody, in proportion to numbers; and, if the alligators of the Mississippi have not been able to fill themselves with golden rings from the slain, it is only because we have not the same number of golden knights. Twenty-five millions of dollars! Well might my friend from North Carolina say that, if these establishments are not put down, they will put down those who support them. And why shall we not do it? I should like to have some reason assigned, why we should not get back to the good old Republican ground. Why should we persevere, with this statement staring us in the face, in plunging deeper into loans and taxes? Does any man believe that this annual expenditure cannot be reduced, not only so as to meet the sum which this tax is estimated to yield, of two and a half millions, but even more? I want to know what duty the Army of the United States have now to perform that could not have been performed by the Army of the United States in any one of the first four years of Mr. Jefferson's Administration, when the annual cost was not a million; and, in fact, the last of those four years it was only \$700,000; and yet did we not derive as much substantial benefit from it, when it cost not more than \$700,000, as now, when it costs three millions?

I therefore, sir, considering the proposition to fill the blank as involving the continuation of the present Military and Naval Establishments, shall

be compelled to vote against it, because I conceive a mode of supplying the present deficiency more easy, more acceptable to the people, can be found to supply its place; in a word, a *substitute*, the great desideratum of the present day. I shall say nothing of the probable receipts of these additional taxes. Let it be granted that, instead of encouraging smuggling, they will yield revenue. Why increase the public burdens when we are enabled to avoid it consistently with the public interest?

I have trespassed far on the patience of the Committee, much farther than I had intended, and much farther than I should have had any occasion to do, had I been indulged with a decision on the motion to reduce the Army and Navy.

Mr. EPPES said he did not mean to follow the example of the gentleman from Virginia, and discuss the reduction of the Army and Navy on the question for filling a blank in the bill imposing additional duties. He rose for the purpose of replying to a statement made by his colleague, which he presumed was intended to show that less economy had been practised by the late Administration than during the Federal Administrations, or at least during the Administration of General WASHINGTON. He was glad that the gentleman from Virginia had expressed his attachment to demonstrations by figures; he should employ nothing but figures in reply, and draw most of his statements from the book cited by the gentleman, (*Gallatin on Finance*.) From a statement of the amount of the public debt on the first day of January, 1790, and on the first day of January, 1800, it will appear that, during the two Federal Administrations, (for, said Mr. E., I know no difference between the principles of the Washington and Adams Administrations,) not a dollar of debt was actually paid. On the contrary, it was increased \$9,462,264:

Statement of the Debt on the 1st of January, 1790.

Foreign Debt.

French debt, including arrears of interest	- \$	7,895,300	39
Spanish debt do.	-	241,680	95
Dutch debt do.	-	3,600,000	00
			11,736,981 34

Foreign Officers.

Principal	-	186,988	23
Arrearages of interest	-	10,822	05
			197,810 28

Domestic Debt.

Principal as funded originally	-	27,760,297	85
Deduct payment of lands sold to Pennsylvania	-	90,674	16
		27,667,623	69
Value of paper money funded at 100 for one		480,823	83
Unsubscribed registered debt	-	86,561	34
		28,245,008	86

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Interest to 1st January, 1790, (deducting \$22-438 58, interest on debt due to foreign officers) - - -	\$11,213,737 41
Deduct received in payment of land sold to Pennsylvania - - -	60,718 25
	11,153,019 16
	39,398,028 02
<i>Assumed Debt.</i>	
Principal of State certificates assumed - - -	15,082,771 33
Interest prior to 1st of January, 1790 - - -	1,379,110 85
	16,461,882 18
Deduct assumption for debtor States beyond their proportion, viz: \$2,069,565 71, interest to first January, 1792, and without the interest after the first January, 1792 - - -	2,000,000 00
	14,461,882 18
Balances funded in favor of creditor States - - -	3,517,584 00
	17,979,466 18
Unfunded debt charged in specie - - -	428,080 45
Public debt on January 1, 1790 - - -	69,740,366 00
<i>Public Debt on 1st January, 1800.</i>	
Foreign debt - - -	10,760,000 00
Old six per cent. nominal, deducting amount transferred to sinking fund - - -	28,225,669 63
Deduct the reimbursements - - -	3,215,575 37
	25,010,094 26
Deferred stock, deducting amount transferred to sinking fund - - -	13,682,944 17
Three per cent. do. - - -	19,086,708 54
Five and a half per cent. - - -	1,847,500 00
Four and a half per cent. - - -	176,000 00
	59,803,246 97
Outstanding debt due to foreign officers and registered debt - - -	100,184 18
Six per cent. stock of 1796 - - -	80,000
Eight per cent. - - -	5,000,000
Six per cent. Navy - - -	929,200
	6,009,200 00
Temporary loans from the Bank - - -	3,640,000 00
Public debt on the 1st January, 1800 - - -	80,312,631 15
Deduct Bank shares - - -	1,110,000 00
	79,202,631 15

Public debt on first January, 1790 - - -	69,740,366 27
Increase of debt from 1790 to 1800 - - -	\$9,462,264 80
<i>During the two Federal Administrations, the following sums were received into the Treasury:</i>	
From balances due to former Government	\$302,667 13
In loans - - -	25,775,795 56
Sales of Bank stock - - -	1,384,260 00
Sales of lands - - -	100,339 00
Revenue - - -	54,242,213 00
Sundries - - -	1,127,092 00
Profits on exchange - - -	414,932 00
	83,346,688 69
Add receipts for 1800 - - -	12,800,000 00
	96,146,688 00
Deduct cash in Treasury on 1st April, 1801 - - -	1,794,000 00
Total amount of receipts by the two Federal Administrations - - -	94,352,688 00
<i>Statement of receipts into the Treasury from the year 1801 to 1809.</i>	
1801, including \$1,596,171, for sale of Bank shares and public vessels - - -	\$10,199,740 24
1802 - - -	14,943,230 38
1803 - - -	11,042,591 34
1804 - - -	11,845,141 48
1805 - - -	14,121,880 00
1806 - - -	16,557,657 00
1807 - - -	16,044,409 00
1808 - - -	10,314,163 00
1809 - - -	9,037,000 00
	114,119,811 00
Deduct cash in Treasury on 30th of September - - -	5,828,936 00
	108,290,875 00
Deduct payments on account of the principal of the public debt \$34,796,091	
Deduct for British Convention and the Louisiana Treaty - - -	6,000,000
	40,796,091 00
Total amount of expenditures for objects exclusive of the debt, by the Republican party - - -	67,493,784 00
<i>The whole sum expended by the Federal Administration, no credit being given for the public debt, because no debt was paid, amounts to - - -</i>	
Amount expended by Republican party	67,493,784 00
	26,858,904 00
Making a balance in favor of the Republican Administration of - - -	26,858 904 00

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Take it in another way—	
The Republican party received -	108,290,875 00
The two Federal Administrations	94,352,688 00

Making the sum received by the Republicans exceed the sum received by the Federalists - - -	13,938,187 00
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The Republican party paid \$40,796,091, including the portion for the Louisiana purchase, paid in cash. Deduct from this the excess of their receipts, viz: \$13,938,187, and it leaves a balance due in favor of the Republican Administration of \$26,858,187.

During the Republican Administration no money has been borrowed; and, even at the present time, when the Exchequer is represented as in a beggared condition, the people will be astonished to find that no actual increase of debt is made. That, during this year, we are still able to apply \$8,000,000 to the public debt, and support the extraordinary expenses incurred by the increase of the Army and Navy, while we borrow for actual deficit, only \$3,000,000; or, in other words, that our resources are equal for this year to \$12,000,000.

During the Federal Administrations the following sums were borrowed:

1790 and 1791	- - - - -	\$5,203,600
1792	- - - - -	5,028,995
1793	- - - - -	1,124,000
1794	- - - - -	4,600,000
1795	- - - - -	3,300,000
1796	- - - - -	320,000
1797	- - - - -	70,000
1798	- - - - -	200,000
1799	- - - - -	5,929,200
Total - - - - -		25,775,795
Add loan for 1800 - - - - -		1,481,700
		<u>27,257,495</u>

This statement requires no comments. I am willing to leave to the people to decide on the relative merit of the Administrations which have been brought into view on the score of expenditure.

Our revenue is and has been almost wholly derived from commerce. The decrees of France and Great Britain went to the destruction of nearly all this commerce. These, sir, are the circumstances which have produced the deficit in the revenue of the United States. It is true that just at that time our expenses were increased, but those expenses were produced by the injustice and violence of those Powers. Did any act of ours cause the insult offered by Captain Bradley, at which time my colleague, (Mr. RANDOLPH,) if I am not mistaken, wished to see an American vessel yard-arm and yard-arm with a British vessel, and peace or war staked on the issue? I admired the sentiment at the time; but surely that insult is not to be compared with the many heaped on our unoffending country; unoffending, I say, for never have we taken a single step to-

wards Great Britain or France which could have justified the iniquitous conduct of either.

I have merely made these observations for the purpose of showing what have been the receipts during the two terms of the Republican Administration; and I am willing to leave it to the people to decide whether it is not an honorable testimony in favor of that Administration that it has gone on so far, during a period of difficulty and danger, without heretofore resorting to taxes and loans; when war has been avoided by a recurrence to other measures, and all the extraordinary expenditure has been during the last three years, and caused by the tumult of the world and the necessity of guarding against the violence and rapacity of the belligerents. There would have been no deficit at this time if, when Congress increased the national expenditure, they had also increased the revenue, which would have been done by the bill which passed this House last Winter, and was rejected by the Senate, for increasing the duties fifty per cent. But while the expenses for the Army and Navy, rendered necessary by existing circumstances, have increased from two and a half to six millions of dollars, and while, by the belligerent restrictions on commerce, our imports had much diminished, the duties have continued the same. The deficit in the revenue would never have existed had the duties been last year raised. And after all that has been said, I am glad that the people are to know that, during this year, after all these difficulties, we shall pay eight millions of the public debt, and borrow but four millions.

Mr. RANDOLPH said he wished to say a few words in explanation. The gentleman, the Chairman of the Committee of Ways and Means, (Mr. EPPES,) had read his own statement, as if he were repeating by rote, with such volubility that it was scarcely possible to follow him; but Mr. R. said he wished to rescue his own statement from any imputation of unfairness.

It will be recollected, said Mr. R., that I stated the whole receipts to the first of January, 1796, beyond which I have no data on which to go, at forty-four millions of dollars. Of this amount, nineteen and a half millions proceeded from loans. Why should my colleague have recapitulated in detail the number of loans, the aggregate amount of which I had already given credit for, unless to imply that they had been omitted? Really, sir, although I do not stand forth as the champion of the WASHINGTON and ADAMS Administrations, it would become us to have a little modesty, and that the sin of borrowing money should not be cast upon the name of the great Father of his Country, when we find that the whole of his revenue, from imports and tonnage and every other source of taxation, did not, in eight years, amount to forty millions of dollars. I think that the party which received an hundred and fourteen millions in the same space of time, has no right to cast as a reproach upon the first President of the United States, that he was obliged to borrow, when you compelled him to set up the Government without a shilling, and

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first to pass laws to raise revenue, and then wait till the crop could come round. What would be the situation of the gentleman from Virginia now, if he had to bring order out of chaos, to provide for the debt of the Revolution and the deficit occasioned by years of anarchy; if all the money to be raised for the service of the United States was to proceed from laws to be passed? When instead of the pitiful sums of two, three, four, and six millions then received—it never did in any one year exceed six millions, until 1795—we have an annual receipt of twelve, ten, thirteen, fourteen, seventeen, sixteen millions eight hundred thousand dollars, there is really no ground for exultation on our part. The receipt of a single year of Mr. Jefferson's Administration exceeds the receipt of the first four years of Gen. Washington's. Another inaccuracy let me point out in the gentleman's statement. He has taken credit for thirty-four millions of the principal of the public debt paid. Agreed, sir—but the gentleman has not debited himself with the debt incurred. This is not fair; the gentleman should show us both sides of his ledger; the debt incurred as well as the debt paid. He ought also to show what was the gross amount of public assets left in hand by the last Administration, and the proceeds of it.

Again, sir—it is not at all a matter of surprise to me that my colleague should in fact refuse to meet me on the ground I took. What was it? A contrast of the last four with the first four years of Mr. Jefferson's Administration. No, says my colleague—let us lump it all together. I do not agree to statements made in that way, unless they first be taken separately. If you look over the accounts of the respective periods, sir, you will find that the seven years of famine in Egypt did not differ more from the seven years of plenty than the last four years of that Administration from the first four. The first four were a period of economy and plenty. In the last four, it took the Government a long time to get through the enormous mass of money in the Treasury; we had a great deal to do with fortifications and gunboats before we got through it; it was some time too before the effects of our new systems began to show themselves—this period terminated in a state of want and penury.

As to the gentleman's statement of our exports having been reduced by the belligerent orders and decrees to seven millions of dollars, it is quite unintelligible to me—I should be glad to hear it (not explained) but proved—and yet permit me to state, before I sit down, that wretched as is the state to which the affairs of this nation are reduced, it is perhaps in one view of it a benefit—for if the surpluses were now in the Treasury which we formerly had, and of which we heard long after they had ceased to exist, probably the nation would at this moment have been at war. Sir, our will but not our poverty consented to it—precisely the reverse of the starved apothecary in the play; and I cannot conceive a state of things more strange in a political point of view, than that the distresses of the country and the mis-

management of our affairs should be matter of comfort to some of the wisest and best men in the nation, in one aspect; and I do not hesitate to say that there are men, inferior in wisdom and integrity to none in the country, who look at the dilapidated state of our finances as a kind interference of that Providence which has always preserved us, to shield this country from the calamities of an unnecessary war.

I do state, and state again, that the last Administration received an hundred and fourteen millions of the public money. They have paid, says my colleague, thirty-four millions of the public debt. That leaves them then eighty millions to account for. To this we must add eleven millions and a quarter of debt incurred, which brings it up to ninety-one millions and a quarter. But my colleague takes credit for the money paid under the Louisiana Convention. If that was debt paid by the late Government, it was also debt contracted by it. If it be posted on one side of the ledger, it must be balanced on the other. In my colleague's mode of stating accounts, a bankrupt might be made to appear in the most flourishing circumstances; if he show only what he has received and nothing that he has paid—what is due to him and nothing that he owes. If that amount be credited for as being paid, it must be charged on the other side to debt contracted, and there is complete equation worked as to that. But that is not the case with the eleven millions and a quarter of stock, which, as I said before, brings the sum to be accounted for up to ninety-one millions, whereas the receipts of General Washington, after all the debt incurred, and all the loans charged upon him, did not amount to two-thirds of that sum—not of the gross sum received by the Administration of Mr. Jefferson, but the sum remaining to be accounted for, after giving him credit for every shilling of debt paid.

But this is not all, sir. In the statement which my colleague made, and which was really ingeniously enough done, he makes use of one half of my argument to answer the remainder. I state that the first four years of that Administration were a period of prosperity, economy, and affluence; that the last four present a strong contrast to the first. I disagree with my colleague—why? Because I say the first four enabled us to bear up against the extravagance of the last. I stated that the first four years of that Administration were a period of retrenchment, economy, plenty, and peace. Does my colleague deny this and yet rely upon this very period (on which I bottom myself) to bear out the last four years of that Administration? He concedes everything I urge.

With respect, sir, to the decrees and Orders in Council, and the affair of Captain Bradley, I have no doubt that this string will be struck whenever it is more convenient to play upon that instrument than to meet any particular case which is before the House, or one of its committees. It is a very good argument to say that we ought to incur debts and loans and taxes for the support of the Army and Navy, because of the Driver and the Cambrian and Captain Bradley, and the decrees

and orders of Great Britain and France—and instead of replying to the question, what benefit do you derive from the Army and Navy, what indemnity for the past or security for the future does it give you against these decrees and orders? we have again dished up to us the story of the Driver and the Cambrian, the British orders and French decrees, and the attack on the Chesapeake. What relation is there between these things and our Army dying in the marshes of the Mississippi, at an annual expense of three millions of dollars, and our Navy reposing to lullaby, in the Eastern Branch, at an expense greater than when in actual service? It is no answer, sir,—gentlemen ought to make out how the Army and Navy can cure the defect of the Driver and Cambrian, and the British and French decrees. If they cannot make out that, the argument is good for nothing. It is precisely like denying the proposition that the first four years of Mr. Jefferson's Administration were prosperous, by admitting that they were prosperous, and so prosperous as to cover—I will not say the disgrace, but the misfortune of the last four years. I say they were prosperous. Does he deny it? He would seem to do so, and at the same time concedes it. [Mr. RANDOLPH was here interrupted by a message coming from the Senate.] He said he was glad of the interruption from the Senate, as he might have been tempted to trespass longer on the House by the warmth he felt at the inference or implication that in the statement he had made of the receipts of WASHINGTON'S Administration, he had omitted the loans. The gentleman can see no distinction (said Mr. R.) in point of principle between the Administration of General WASHINGTON and Mr. ADAMS. I am not the champion of those Administrations; but I can see no distinction in point of fact between the two terms of Mr. Jefferson's Administration—between the first four and last four years—and I could wish that, applying the same standard by which he has endeavored to compare Mr. Jefferson's Administration with the preceding Administrations, (giving it praise and honor,) he would also by that criterion try the two periods of the last Administration. If he try them by his own test—I wish no other—he will involve the last four years in disgrace. I am astonished, sir, although the gentleman cannot perceive any difference between the Administration of WASHINGTON and ADAMS, that he is unable to perceive the marked difference between the two periods I have mentioned of the last Administration.

One word, before I have done, on the subject of statements of the revenue. Every figure on the paper which I read from to the Committee has been copied from the annual reports of the Secretary of the Treasury, in which is a statement always of net revenue. For example, in the one I hold in my hand, the statement of revenue in 1804, from imports only, is \$13,236,000, and from land \$360,000, making a total of \$13,596,000 from these sources—and yet my statement, as my colleague read over his, has varied from it in one instance to the amount of two millions.

Mr. MACON said he must confess he was at a loss how to understand this bill. He did not know whether it was to encourage manufactures, or for what other object they were asked to raise this money. He said he did not mean to go into the statements made on this subject, nor into an inquiry into the merits of past Administrations. When we talk of expenditure, who is accountable for one-half of it? Who has supported the Navy? And, as this a sort of day of settlement among all the Presidents, let us inquire who is accountable for the expenditure on that head. How has the Navy been kept up? It will be found, sir, that the expenditure for the Navy began long before the Republican party got into power. It was in the days when I was a minority man, that it was supported by the majority. How has it been since supported? Not by me or my votes, but by the gentlemen who raised it adhering to their side of the question, and others going over to make a majority for the Navy. So far as relates to the expense of the Navy, gentlemen commonly denominated Federalists have the blame of their part of it. Sir, I am tired of putting the cup on the federal bottom. This is the way in which the Navy has been kept upon the nation. Upon the question of a navy the Federalists have always been a majority. How came the Army so long to remain as it was eight or nine years ago? It is known to every man who has been a member of the House long enough that it was not with my consent. I am afraid, whether the gentlemen who commenced the Navy be a majority or minority on general questions, that they will always be a majority on that question until they themselves get as sick of it as I am of the additional army. When we were upon the Army, these gentlemen left us to battle that among ourselves; when they come to the Navy, they never have done so. I wish, sir, when we come to the Navy, that those gentlemen would let us vote on this side of the House navy or no navy, and make us responsible for it, if it be kept up. If there are any embargo sins to answer for, or any responsibility for that, I will take that upon myself, because I voted for it, and never shall repent it. What good has the Army done? If I show that the Army and Navy have done no good, and that taxes will do me some harm, it is a fair mode of showing that this bill ought not to pass. What good can the Army do? Suppose two or three thousand men are necessary to preserve peace with the Indians on our frontiers, the only ground on which they have ever been supported, to keep their bad men from us, and ours from them; I had rather disband the whole Army and begin anew. I believe that such is the enmity and animosity amongst the persons composing the present Army, that we can never make it as it ought to be.

As to the Navy and navy-yards, is there a man in this House who can tell the real condition of any one yard in the nation; how many officers are on annual salary, and how many receive navy pay? The Navy men hate those yards so much that they never go to see them. A little

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office there sets the whole community by the ears disputing who shall have it. I do not recollect how many navy-yards we have; I believe as many as we have frigates. At all of them there must be somebody to take care of them, and something to be paid; and of all the systems to be devised for the plunder of the public, that of navies is the worst. The Navy will plunder your enemies, if you have any, but never a nation took up a navy system but was plundered by it. This sort of expenditure, with the aid of one or two celebrated laws, put down a former majority. Pursue the same system, and you will go the same way. It is the inevitable consequence.

If you want money, I am ready to agree that you cannot get it by internal taxes; but rather than saddle those whom I represent with a tax to encourage manufactures, if that be the object, I would vote for a direct tax. What does this system go to? To this: that you will go on by tax on tax until you manufacture within the limits of the United States everything that can there be raised for the purpose of manufacturing. This may be a good thing to the part of the country which will be the manufacturing part. They may laugh and sing; but to that part that will never manufacture it will be death. The latter may wring their hands and cry, but in vain; for once but get the manufacturing mania fixed on the nation, and we shall be saddled with it as long as the nation exists. I can state an opinion that I entertain, which may by many be thought not to be correct. It is this: that precisely as you encourage this manufacturing spirit, in the same ratio will you depress all the domestic manufactures of the country I live in. Manufactures exist in the domestic way all over the Southern country for family use, and some is put into stores for sale. Lay a duty so as to encourage the making of muslins, and it will take fifty per cent. more of country made cloth to exchange for muslins. So much more of burden do you lay on this class of the community which sells home-made cloth.

Sir, I voted for the embargo to avoid war, under the belief that if we adhered to it we should settle our disputes with one of the belligerents, but never meant by it to encourage manufactures. As to the non-intercourse laws, as I never voted for them, I do not know on what principle they were voted for. As it appears to me, sir, that the question is pretty well settled that we do not mean to take any very energetic measures at the present session of Congress, what use is there in keeping up the Navy, and that skeleton of an Army? Can any man tell the use of them unless they are expressly for the purpose of spending money? It appears to me, sir, that the experience we have had on the subject of the Navy would have almost convinced a Felix or Agrippa that a navy is an useless thing for this nation. I know it may be said that every eight or ten years we may want a few ships to go into the Mediterranean; that one of the Barbary Powers may send our Consul home—and, by the by, sir, I

believe we could do as well without Consuls there as with them—for I never have heard the good of them. Then is it worth while, at an expense of two or three millions of dollars to keep these frigates eternally repairing—eternally costing money—when for the sum annually expended on them we might at any time buy eight or ten of the best merchantmen in the nation, and have them equipped and sent into the Mediterranean? When the service was done, we could sell them again; and thus we should get clear of the navy-yards as well as the Navy. It was formerly said that we might have a navy to protect commerce. So far as relates to trade, the assertions of the efficacy of a navy have not been verified. What sort of a navy could you maintain? Could you maintain fifty ships-of-the-line? And if you had a less number, would they protect your trade? None of the merchants want them for convoy, that I ever heard of. It is utterly impossible that you can protect their trade. I will leave it to any merchant in the House, whether, if you pass the convoy bill, he would put his vessel under convoy. If we have war with France or Great Britain, with the latter especially, I verily believe you will not get your navy manned. The same thing will happen as did in the Revolution. The seafaring people would rather privateer. That is our old system, and in that way only can we do anything on the ocean. Have you ever heard of a navy of any considerable size, anything like adequate to the protection of commerce, having been manned without impressment? And are you willing to alter the Constitution of this country so as to give the power to impress? I have another objection to this navy system, just as old as the Navy itself. It is, that whilst it does not add to the strength of the nation, it creates unnecessary patronage. Men who have nothing to do must necessarily attach themselves to some Administration, no matter what sort of one, that feeds them and gives them offices. I would ask the strongest navy man in the nation one question. The paper I hold in my hand contains a sum of expenditure for the Army and Navy nearly equal to the national debt; let any man answer whether he would rather maintain the present Army and Navy, or have the public debt paid? If the debt was paid you would then be strong, and strong indeed. Whenever pushed into war, our sinews would be free from restriction or impediment. The whole resources of the country could be brought to bear on the very point where you wanted to carry on a war. Should we be affected by the nefarious conduct of Great Britain or France as we are, if we had no public debt to pay? No, sir, we should not. The strength of this nation consists in their having the public debt paid, and the militia armed; and how much would it have taken to have armed every man in the nation? They would have presented an impregnable front to any nation in Europe—an armed nation, and that nation free. What sort of front can we display for this fifty odd millions spent on the Army and Navy?

No man can have any confidence in five or six frigates, if filled with the bravest men that ever stepped on board a ship; and whatever might be thought at the time the thing was established, that, by having a few ships-of-the-line which we could throw into the scale one way or other, we might give the superiority to what Power we pleased in Europe, that time is gone? Where now in Europe is a navy but the British? Nowhere. There is something in the minds of men which seems to compel them to go on when they have once began. As to the Navy, I ask gentlemen who formerly supported it, and who support it now, to tell me whether it is worth a million of dollars annually? Pass the bill now on your table from the Senate for increasing it, and it will cost between three and four millions. I very much doubt whether the whole of it put up at auction at New York, Philadelphia, or Boston, would sell for a million.

Shall we then, sir, lay this tax to support an Army and Navy which I have endeavored to show was useless, and which in the present state of the civilized world could be of no use to us? If I could be satisfied that it was necessary to lay a tax after the reduction which must be voted for by every man who can get clear of the intolerant spirit of party, which makes us stick together like wax, I would not hesitate to vote for it. Reduce the Army and Navy, and let us be told what money is wanting, and I will vote a loan to that amount. But to vote first to raise money, and afterwards to reduce, is what I will not do. If we want money, it ought to be gotten in the way most convenient to the people; and it would seem as if, when we once lay a tax, it is impossible to get it off again, I recollect when the two-and-a-half-per-cent. duty (commonly entitled the Mediterranean fund) was laid, it was stated that we would scarcely ever get it off again; and it has been kept on so far though the original cause of it has ceased. If we keep increasing the debt we shall at last have to go excising at home; and let any man look to Europe for the blessings of an excise system. They are not even there able to enforce it. Of all demoralizing systems it is the worst. Smuggling is nothing to it. When you come to excises—to go into the domicile of a man—can any one say that such a state of things is desirable? I could wish on this question that we could unite; I have scarcely heard any gentleman say but he is willing to reduce. Let us go as far then as a majority will go. Further I know we cannot go. I did not expect this subject would have come up to-day; but upon this question, which I consider so important, I feel no hesitation to avow my mind at any time. I shall not apologize for having detained the Committee with my crude observations; for whatever I have said is the effusion of my real sentiments.

Mr. KENNEDY.—Mr. Chairman: As I shall vote against filling up the blank with five per cent., and as it is a subject of considerable importance, and one calculated to bear remarkably hard upon the State that I in part represent, and

particularly so upon those who have honored me with a seat in this House, I think it my duty to give the Committee my reasons for my vote.

We are called upon to lay an additional duty of five per cent. on all goods, wares, and merchandise imported into the United States now subject to ad valorem duties, and also a specific duty of $33\frac{1}{3}$ per cent. upon those now imposed by law on all articles which at this time are liable to specific duties; and likewise 10 per cent. upon the duties imposed by this bill on all goods imported in foreign vessels; and I pray you, sir, for what reason are we thus required to burden the people. I presume only two can possibly be given for adopting this measure. One for the purpose of raising revenue, the other to encourage the manufacturing interest of our country, both of which I will undertake to examine, and will endeavor to prove that neither of them are sufficiently strong and cogent to influence any one to vote for the measure.

With respect to the necessity of raising money by taxation for the support of Government, I must here premise that I very much regret that both France and England by their orders and decrees have basely and infamously contravened and violated, to the injury of our neutral rights, old and well established rules made for the government of all civilized and honest nations; and I also regret that our Government in consequence thereof adopted measures which have drained our Treasury without producing any good effect.

The person who then presided over the destinies of this nation is one whose political talents and information are not excelled by any in this country, and perhaps by none in the world; those talents he has at all times, and on all occasions, exercised in support of the civil and political liberties of his fellow-citizens, for which he is pre-eminently entitled to their regard and esteem, and as one of them I am free to acknowledge that I always have, and do now entertain for him, the greatest reverence and respect.

But notwithstanding these sentiments, I have not the folly to suppose him infallible, nor have I the hypocrisy to applaud what my judgment condemns; although I am satisfied that those measures grew out of the best intention and purest motives, yet I never had confidence in their utility; I always thought them too weak and inefficient to answer the intended purpose, and believed them to operate more severely and injuriously upon ourselves than upon those nations by whom we were oppressed.

Sir, there appears to be a deficiency in the revenue of the present year to the amount of three millions of dollars, to provide for which, did I think the fund required could not be procured in another way more convenient and less distressing to the people, and did I also suppose that the duties would be received in time to meet the present demands on Government, I would most cheerfully vote for the measure under consideration. But if the duty is laid in the way contemplated by the bill; to be collected in the same manner, and under the regulations as to the mode

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of security and time of payment, respectively, as the duties heretofore laid, it is clear that they will not be received in time to answer the intended purpose; and in this opinion I am supported by the report of the Secretary of the Treasury of the 7th of December last, which says, page 7:

"It follows that unless the aggregate of the expenses for the Military and Naval Establishments should be reduced to about three millions of dollars, a loan will be necessary to make up the deficiency. That state of the Treasury had been anticipated, and for that reason an increase of duties had been respectfully submitted in the last annual report. But should that measure be now adopted, it would not on account of the terms of credit allowed for the payment of duties supersede the necessity of a loan for the service of the year 1810, commensurate with the extent of those establishments, and with the appropriations which may be made for their support by Congress; no precise sum is suggested, since this must vary according to the plans which may be adopted in relation to foreign nations, and will particularly depend on the decision of war or peace.

"It is sufficient to state that if the actual expenditure of the year 1810 for all military and naval purposes should be estimated at the same sum which was disbursed by the Treasury for those objects during the year ending on the 30th of September, 1809, and exceeding as above stated six millions of dollars, the deficiency according to the preceding estimates would amount to three millions of dollars, on which supposition it would seem prudent, in order to provide against any deficiency in the receipts beyond what has been estimated, to authorize a loan of four millions of dollars."

Then, sir, if the duties cannot be collected in time to answer the present exigencies of Government, they need not be imposed at all, as they will not be wanted in the year 1811, provided we reduce the Army and Navy down to a Peace Establishment; for the Secretary of the Treasury calculates upon the receipt of ten millions of dollars in the Treasury this year. If the same sum is received in the year 1811, and all his calculations are made under that impression, it will be sufficient to answer all the purposes of Government, as the expenses of that year, exclusive of the interest on the contemplated loan of four million of dollars, according to his report, calculated on the before-mentioned reduction, will not exceed \$9,060,000, and annually after, the year will only amount to \$8,100,000; from which it evidently appears, that we shall only need during the year 1811, beyond the revenue, a sum sufficient to discharge the interest of the loan, and within three years after that time, admitting that the annual revenue does not exceed ten millions of dollars, the difference between the receipts in the Treasury and the expenditures will be more than sufficient to discharge the sum borrowed, together with the interest thereon.

Sir, I should be glad to know who recommended these additional duties. It was not done by the Secretary of the Treasury, for he expressly says, page 8 of the same report: "If war should not be resorted to, it does not appear re-

quisite, unless Congress should resolve on a permanent increase of the Military and Naval Establishments in time of peace, to lay at present any additional duties beyond a mere continuance of the Mediterranean fund."

Now, sir, I think a majority of Congress are not disposed to declare war, and as the Administration do not wish it, in which last assertion, so far as respects Great Britain, I am supported by a letter of the Secretary of State to the British Minister relative to his dismissal, which concludes with these words: "In the meantime a ready attention will be given to any communications affecting the interest of the two nations through any other channel;" and I am likewise further supported in the assertion by another letter of the Secretary of State to our Minister resident in London, which, after instructing him to require the recall of Jackson, thus concludes: "You are particularly instructed, at the same time, in making those communications, to do it in a manner that will leave no doubt of the undiminished desire of the United States to unite in all the means the best calculated to establish the relations of the two countries on the solid foundation of justice, of friendship, and of mutual interest." Under these impressions I am clearly of opinion we ought immediately to relieve the country from these expensive War Establishments, and at the same time abandon the present useless commercial restrictive system, and adopt others, so as to keep up a protest and resistance against the unjust, inequitable, and abominable orders and decrees of France and England, respectively, but in a way, however, that will not materially affect the interest of our citizens or destroy the revenue; with that view I voted for the bill introduced by the Committee on Foreign Relations, which was rejected, and I am now willing to vote for the one lately introduced by the same committee, both of which I understand and believe to be Administration measures.

Let us, then, agreeably to the request of the Secretary of the Treasury, authorize a loan of four millions of dollars, or more if necessary, in order to meet the expenses of Government the present year, and to pay the interest of that loan until the year 1812; and let us also improve the hint that he has so wisely given us to reduce the Army and Navy, unless we are determined on war, down to a Peace Establishment, the expense of which, according to the same report, from 1802 to 1807, inclusive, only amounted to \$2,500,000 annually. By pursuing this course we shall save this year at least one and a half million of dollars, which, of course, will reduce the deficiency before mentioned from three millions to one million five hundred thousand dollars, and will save annually hereafter upwards of three millions.

But, sir, I presume there is but little occasion to enter into any calculations, in order to show that these additional duties will not be wanted, for if we either take off the existing commercial restrictions at this time, or suffer them to expire at the end of the session by their own limitation,

I see no reason why our Treasury will not be replenished with specie. I really believe, if we pursue this course, we shall again be in the annual receipt of sixteen millions of dollars, which will be much more than sufficient to answer all the purposes of Government, and indubitably will supersede the necessity of any additional duty.

Before I leave this point I will beg leave to remark, that we have passed in this House a bill to raise one hundred thousand militia, the whole of which detachment may be volunteers, who when enlisted are liable to be called into the service of the United States, anywhere out of its jurisdiction not beyond sea. Should this bill receive the sanction of the Senate, these troops will be a good substitute for a part of the standing army, and furnishes one of the best reasons why it ought to be reduced.

With respect to the reason that the additional duties will encourage our manufactures, let us inquire whether it is sound policy and consistent with the true interest of the United States for us to tax the agriculturists and other consumers for the benefit of manufacturers.

I will admit, sir, that manufactories are really necessary, but the question is shall we have them here by taxing other classes of society for that purpose, or on the other side of the Atlantic without taxation. I have always been of the opinion that regulations of a Government which divert labor from its usual and ordinary channel is an injury to individuals and a manifest loss to the nation, and ought never to be done without an absolute necessity for it; for I am satisfied that the people in all countries understand their own interest best, and when left unshackled by their Government, pursue that kind of business which yields to them the most clear profit.

In the United States they have a predilection for, and pursue agricultural rather than manufacturing business, the reason of which is obvious. We have large and extensive tracts of waste land, which requires a less capital to purchase any given quantity than it does in the European countries, where there is such a vast disproportion between this land and their overgrown population. It, therefore, requires less of the annual produce of the soil to repay the owner for the use of his money expended in the purchase than it does there, and of course his annual profits are greater, which enables him to compete with them in the products of our lands, even in their own markets, under all disadvantages of freight, insurance, and other expenses, and also enables him to give a higher price for labor. His profits are greater than the profits of manufacturing employments even under all advantages arising from the transportation of the raw materials to the foreign country, together with the additional expense of freight, insurance, and a duty of from 15 to 20 per cent. on the importation of the manufactured articles, and this is owing altogether to the high price of labor proceeding from the cause already mentioned.

But, sir, if this reasoning is not sound; if the

high price of labor in the United States in reality is no impediment to the prosperity of the manufactures, and it does not prevent our manufacturers from entering into competition with the Europeans, then it follows of course that they need no encouragement from Government, and the additional duties therefor ought not to be laid for that purpose. I am, however, firmly persuaded that the reasoning is perfectly correct, and as a strong proof of it, I will refer the Committee to the petitions from that class of people with which Congress is overwhelmed every session, praying for protecting duties, of which description we find none from the agriculturists.

Sir, I firmly believe that we shall never be able to manufacture in this country as cheap as they do in Europe, until we are almost as thickly settled, and consequently nearly as miserable as they are, which state of things I have no wish to see. Why, then, ask of us to forego the advantages which we have now over the nations of Europe, and which we cannot expect always to possess? Why by your regulations turn the people from agricultural, the most profitable employment, to manufacturing pursuits, when it will so obviously result in the injury of that part of the community, and ultimately in the depression of the growing prosperity of our country?

If we can afford to give a higher price for labor when we cultivate the earth than when we manufacture, we ought to continue to cultivate and purchase manufactured articles of those whose miserable and unenviable situation compels them to work cheaper than we can afford to do ourselves. In this view of the subject, it surely then is bad policy to encourage manufactures by taxing the agriculturists for that purpose; and that the measure under consideration, if carried, will practically operate as a tax upon them, there can be no doubt whatsoever, for every one knows that all imported articles must necessarily be raised five per cent. to reimburse the importer for the additional duties paid by him, upon which will raise the price of his articles up to the lowest price the importer can afford to sell for. It then follows, of course, that the agriculturist will pay into the pocket of the home manufacturer five per cent. on all home manufactured articles which he purchases.

Now, I think it radically wrong for a Government, by its regulations, to tax one class of citizens for the exclusive benefit of another, or to divert labor from a more to a less profitable employment, unless some great national benefit and advantage is to be reaped from it. Will it make us more independent? I think, sir, when that position is minutely examined, we shall discover that much is not to be gained by the measure on that score, for I am satisfied that the European nations, generally, in the present state of the world, are as dependent upon us as we are upon them; and with respect to Great Britain, I think her more so, and all of our restrictive measures for several years past have been predicated upon that idea; we can both raise the raw materials,

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and manufacture them also, when necessity requires; she, on her part, can manufacture, but not grow the materials in sufficient quantities. If, then, the measure is to have any effect, it will serve to make that nation independent of us, by forcing her to find a new market for her manufactures, which will be able to supply her in return with raw materials, from which I conclude, on the ground of independence, we should sustain a loss by the measure. But indeed it appears to me altogether absurd and farcical to think of ever becoming completely independent of other nations; a certain part of our produce, which I will describe hereafter, must absolutely be exported for a market; if we take the produce or specie of other nations in return for it, we shall be equally as dependent upon them for those things as if we took their manufactures.

But some gentlemen suppose that it will prevent us from getting into contest with the beligerent Powers of Europe. This opinion surely has not been well considered. Do they mean to cut off all foreign trade whatever? If this is their intention, I would ask what is to be done with the surplus produce beyond what is consumed within the United States? Do they intend it to rot on our hands? What is to be done with the tobacco? Are we to chew, smoke, and snuff it all ourselves, or is the cultivation of it to be abandoned, and grain, cotton, and other articles, cultivated in lieu of it? I would ask what then is to be done with the surplus of those articles? What is to be done with the large quantity of timber growing in our forests, which constitutes the chief value of certain kinds of land? What is to be done with our naval stores? The whole of these articles cannot be used among us, we must find a market for them abroad, or suffer them to perish on our hands. If they are to be exported for a market, then, sir, this object for which we are to encourage manufactures will not be obtained by the measure, and therefore is no reason for adopting it.

Others again think that we shall be enabled, by encouraging manufactures, to supply ourselves with certain articles essential to our well being in time of war, which could not be procured without encouragement. In this opinion there appears to be some reason, and if gentlemen will point out what those articles are, and demonstrate to my satisfaction that, without further assistance from Government, they cannot be manufactured within the United States, I would have no objection to raise the duty on them; but to raise it generally on all articles, or on any but those alluded to, will be granting a kind of monopoly in the home market to the manufacturing interest, manifestly injurious and oppressive to every other class of people, too unjust and inequitable for me to sanction.

But, it is said, that when, by encouragement, the manufactories get into operation, they will be able to make out without this aid from Government, and that the duties may be taken off. Sir, I have no faith in this doctrine. It may servé to amuse and deceive, but never will be re-

alized. Once raise the duties, and common experience will teach you that it is almost impossible to remove them; and as a proof of the correctness of this sentiment, I will refer you to Adam Smith, whose Government has gone upon this miserable encouraging principle, with which we seem to be at present so much enamored. He says, vol. 1, page 361:

"To expect, indeed, that the freedom of trade should ever be entirely restored in Britain, is as absurd as to expect that an Oceana or Utopia should ever be established in it. Not only the prejudices of the public, but what is much more unconquerable, the private interests of many individuals irresistibly oppose it. Were the officers of the Army to oppose with the same zeal and unanimity any reduction in the number of forces with which master manufacturers set themselves against every law that is likely to increase the number of their rivals in the home market; were the former to animate their soldiers in the same manner as the latter inflame their workmen, to attack with violence and outrage the proposers of any such regulation, to attempt to reduce the Army would be as dangerous as it has now become to attempt to diminish in any respect the monopoly which our manufacturers have obtained against us. This monopoly has so much increased the number of some particular tribes of them, that like an overgrown standing army, they have become formidable to the Government, and upon many occasions intimidate the Legislature. The member of Parliament who supports every proposal for strengthening this monopoly, is sure to acquire not only the reputation of understanding trade, but great popularity and influence, with an order of men whose number and wealth renders them of great importance. If he opposes them, on the contrary, and still more if he has authority enough to be able to thwart them, neither the most acknowledged probity, nor the highest rank, nor the greatest public services, can protect him from the most infamous abuse and detraction, from personal insults, nor sometimes from real danger, arising from the insolent outrage of furious and disappointed monopolists."

If this is the case under the tyrannical Government of Great Britain, where the people, with respect to their liberties, are but little better off than slaves, what will it ultimately come to in the United States if we pursue this principle, where every man is a sovereign, and every part of our Government elective? But I need not travel so far from home to prove that when burdens are once put upon the people they are not easily taken off. I would refer you to the Mediterranean fund, which was laid in 1803 for the purpose of prosecuting the war against Tripoli. Yet although this war has long since ended, the duty has nevertheless been from time to time continued, and we are now again called upon to continue it longer. Sir, make the attempt whenever you will, to take off the duties, and you will find your table overwhelmed with petitions from this class of people, complaining that by your measures you had encouraged them to embark their fortunes in those establishments, and now by your fickle wavering notions of legislation you are about to adopt measures which inevitably would terminate in their utter ruin.

It is, however, supposed by some gentlemen

that the agricultural interests would sustain no loss by additional duties, as they would afford an inducement for part of the agriculturists to withdraw their capital from those pursuits, and to invest it in manufacturing establishments, which would create a scarcity of agricultural products in the same market, and of course raise the price thereof sufficiently to reimburse them for the additional tax. Sir, when this position is examined you will find it altogether unsound and deceptive. Should we by this regulation draw off part of the agriculturists and set them to manufacturing, it is clear that the remainder would find in them new customers for the purchase of their produce; but it is equally clear that they would lose as many of their European customers which they had before been in the habit of supplying; for it is really absurd to suppose that those who have hitherto manufactured for us, and taken our raw materials in return, will continue to purchase those articles of us after we manufacture for ourselves. Such a state of things could not and would not exist; they will either find new consumers for their manufactures who can supply them in return with the products of the soil, or they will emigrate to new countries, in order to cultivate the earth for themselves. In either case the price of our produce will not and cannot be enhanced.

Indeed I really wish to see the manufacturing interests of this country flourish, if they can do so by the encouragement received from the duties laid for the purposes of revenue. But if there is no great national benefit to result from a further encouragement, why should I tax my constituents, who are agriculturists, for the exclusive benefit of those of other gentlemen? It is unreasonable and ungenerous to ask it, and what I never will assent to, unless there are better reasons for it than what exist at this time. I am, therefore, decidedly against filling up the blank with five per cent., agreeably to the motion now under consideration.

A motion was made for the Committee to rise, which was negatived, Mr. JOHNSON having spoken against it.

Mr. BURWELL said it was not his intention to detain the Committee on this question. He was very glad that they had decided not to rise. It had been properly remarked by his friend from Kentucky, (Mr. JOHNSON,) that there were many important questions to be decided, and that within a very short period of time, before Congress rose. I shall (said Mr. B.) certainly vote to reduce the Army of the United States; and if the House should decide that it will not employ the Navy of the United States in the protection of commerce, I shall certainly vote also to reduce the Naval Establishment. I am perfectly convinced that the circumstances under which I voted for the increase of the Army and Navy have passed away; and as our revenue has diminished, I shall vote for a reduction of our expenses.

On the subject of raising the duties, it appears to me that a single question presents itself, and

that is, whether the duties as proposed to be augmented render the danger of smuggling so great as to diminish instead of increasing our revenue, and defeat the object, by so far reducing the consumption as to reduce the aggregate amount of revenue? For my own part, in voting for an augmentation of duties, I feel no hesitation in declaring that I have not in view the encouragement of manufactures. I shall vote for it because it appears to me the most eligible mode of increasing revenue. It increases patronage less; and in fact, from experience, is the most certain and cheap mode of collecting revenue for the public service. For my own part I think the present situation of this country and Europe are sufficient pledges that manufactures will progress as far as they ought to do in the United States. I am very far from wishing that this should become a manufacturing country; it will not benefit the country in which I live; and I believe that if the Government adopts measures to foster manufactures, the expense will fall on the Southern country and the benefit exclusively on the Northern country. At the same time, sir, it would give me pleasure to see manufactured within the United States all those articles which are essentially necessary to convenience and happiness, and to see the country in that way to a certain extent independent of any nation in the world for the necessities of life.

From the statement made by the Secretary of the Treasury, as far as I could understand it, it appears to me that if we succeed in reducing the Army and Navy, there would still be a deficiency in the revenue during the present year, amounting to one and a half or two millions; and that, should the expenses remain as they are now, there will be a deficiency of three millions. If this be the fact, and the deficiency is proposed to be met by a loan, it is nothing but fair that we should at the same time provide the means of redeeming the loan at the expiration of that year, or of paying an amount of debt equal to it. If we go on in that way, so far as the operation of measures is to test the wisdom of those measures, it is presenting the question fairly and in the most unexceptionable point of view, and the people will be prepared to judge whether or not our measures are such as to require their opposition.

In discussing this question, we should bear in mind that although we determine to reduce the Army and Navy, it will require the concurrence of the other branch of the Government before a reduction can take place. If the question be postponed, Government will be placed in the most awkward situation imaginable; because it will have authorized expenses without providing the means to meet them. It has been shown to my satisfaction that the increase of duty proposed is not so great as to be detrimental to the revenue. Whether the Senate concur in the retrenchment or not, I would on that ground vote for an augmentation of the revenue; although, if the proposition to reduce the Army and Navy succeed, revenue will be unnecessary, because in that case at the commencement of the next session of Con-

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gress there would be money in the Treasury at the disposal of Government.

I confess, sir, that it would give me pleasure to see both questions, of raising revenue and reducing expenses, decided this evening. I wish to know what is the sense of the House on the subject of the Army and Navy; for nothing can be more clear to the comprehension of any person than that, if we never mean to use our Navy, we should put an end to the great expenditure for those objects. I fear that even in the present infant situation of the country, we have less control over the expenditure of our public money than any other nation in the world. I judge so from the invariable prosperity of those who hold offices in the community, from the avidity with which their deaths or resignations are watched for and offices sought after. I do believe that there never was an Administration more disposed to act honestly with the public purse and correct dilapidations and abuses than the present; but, with all the sagacity of our officers of the Treasury, even under our very noses immense sums are dilapidated and misapplied. It strikes me as a matter of astonishment, when I compare our actual force by land and water, our means of defence and annoyance, and the expense of those means, with the naval and military establishment of any other Government; and, when I see the monstrous disproportion against us, the conclusion irresistibly forces itself upon my mind that there is a want of economy somewhere.

Whilst I am up, I will beg leave to say, that so far from considering the country in a deplorable situation, as my colleague (Mr. RANDOLPH) has represented it, I think that in many points of view we have every reason to congratulate ourselves. It is a singular phenomenon to see any nation enjoying peace at this time. This exemption from the general lot claims the gratitude of every man in the country. So far as I am concerned in the affairs of the nation, I have but a single object in view, viz: to preserve peace, and my votes are predicated on that ground. All the derangement of our financial concerns flows from the measures adopted to save us from that gulf of misery which has involved all the rest of the world. I cannot but believe, notwithstanding the course which we have taken has produced a great deal of individual injury, that we are indebted to that course for a most material change in the system of the belligerents towards us. It is a fact which cannot be disguised that the most objectionable part of the system of Great Britain (than submission to which national ruin would not have been a greater evil) is given up—I mean the colonial feature of the orders of November, 1807. So far from having cause to feel ourselves degraded, we have every reason to triumph; for Great Britain has given up the principle which would have gone to the destruction of our rights and blotted us from the map of independent nations.

The Committee rose and the House adjourned without coming to a decision on the question before them.

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MONDAY, April 16.

Mr. MORROW, from the Committee on the Public Lands, presented a bill for the relief of Richard Tervin, Edwin Lewis, Samuel Mims, the Baptist Church at Salem Meeting-house, in the Mississippi Territory, and Joseph Wilson; which was read twice, and ordered to lie on the table.

The bill sent from the Senate, entitled "An act to erect a light-house at the entrance of Scituate harbor, a stone column on a spit of land at the entrance into Boston harbor, and a beacon on Beach Point, near Plymouth harbor, in the State of Massachusetts; a light at the entrance of Bayou St. John, into Lake Pontchartrain; and two lights on Lake Erie," was read twice, and committed to the Committee of the Whole to whom is committed the bill of this House, to erect a light-house at the entrance of Scituate harbor, a stone column on a spit of land at the entrance into Boston harbor, and a beacon on Beach Point, near Plymouth harbor, in the State of Massachusetts; and a light at the entrance of Bayou St. John, into Lake Pontchartrain.

Mr. TAYLOR, from the committee appointed on the petition of John Calhoun, presented a bill for the relief of John Calhoun; which was read twice, and committed to a Committee of the Whole to-morrow.

Mr. T. also made a detailed report relating to the case of the said John Calhoun.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act for the establishment of the Quartermaster's Department;" they have passed the bill, entitled "An act to examine into the title of the batture in front of the suburb St. Mary," with amendments; also, the bill entitled "An act to amend an act, entitled 'An act for the establishment of a Turnpike Company in the county of Alexandria, in the District of Columbia,' with amendments; to which bill and amendments they desire the concurrence of this House. The Senate agree to the conference proposed by this House on the disagreeing votes of the two Houses on the fourth amendment of the Senate to the bill, entitled "An act regulating the Post-Office Establishment;" and have appointed managers at the said conference.

The bill "fixing the compensation of Ministers and Consuls of the United States residing on the Barbary coast, and for other purposes," was read a third time.

Mr. BURWELL inquired whether the bill contained a provision making the advice and consent of the Senate necessary in the appointment of Navy agents.

The SPEAKER said there was no such provision in the bill.

On motion of Mr. BURWELL, the bill was re-committed to a Committee of the Whole.

On motion of Mr. POTTER, the bill allowing drawback on goods transported by land from Newport to Boston and from Boston to Newport, in the same manner as if transported coastwise, was ordered to be engrossed for a third reading.

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Claim of Henry Malcolm—Additional Revenue.

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CLAIM OF HENRY MALCOLM.

Mr. FISK, from the committee appointed on the petition of Henry Malcolm, made a report thereon; which was read, and the resolution therein contained concurred in by the House.

The report is as follows:

That the petitioner states that he, as collector for the district of Hudson, from the establishment of the district, had been in the habit of transmitting large sums of money, by mail, on account of the Treasury of the United States, from Hudson to the office of discount, and deposit of the Bank of the United States at New York, as he conceived himself authorized to do by instructions received from the Secretary of the Treasury in his circular letter to the collectors of the customs, dated 14th October, 1789; and that on the 28th of June, 1808, he put into the post office, at Hudson, enclosed in a cover, addressed to Jonathan Burrell, Esq., cashier of the office of deposit and discount of the Bank of the United States at New York, \$1,000 in bank bills, on account of the Treasurer of the United States, which was purloined from the mail or post office; and the petitioner further states, that the accounting officers of the Treasury refuse to credit him for this sum, and he prays that a law may be passed directing the accounting officers of the Treasury to give him credit upon the books of the Treasury for the said sum of \$1,000, together with his commissions on collecting the same.

From an examination of the documents accompanying the petition, it appears that the petitioner did, at the time he states, enclose \$1,000, on account of the Treasury, addressed to Jonathan Burrell, Esq., cashier of the office of discount and deposit of the Bank of the United States at New York, and that the same were purloined from the mail or post office; but your committee, on recurring to the instructions of the collectors of the customs, to which the petitioner refers, find that the collectors, in transmitting bank notes by mail, on account of the Treasury, are required to take a list of the notes, and also a receipt from the postmaster, on the copy of the list, which the collector is directed to retain, as his voucher, in case of accident; and if the postmaster should refuse a receipt, then the notes sent by mail from the collectors are required to be delivered to the postmaster in presence of some indifferent person of fair reputation, who is to be made acquainted with the contents and particulars, so as to be able afterward to verify on oath that such specific notes were sent; and instead of the receipt from the postmaster, to give a certificate on the copy of the list of the notes retained by the collector.

It does not appear to your committee that the petitioner has complied with this material part of his instructions in transmitting the thousand dollars, for which he asks a credit. It does not appear that he either retained a list of the notes, or took receipt of the postmaster, or the certificate of any other person, in conformity with his instructions from the Treasury Department.

Believing it essential to the safe collection of the revenue that bank notes transmitted from collectors, by mail, on account of the Treasury, should be in strict conformity with the instructions for that purpose directed to the collectors, inasmuch as the great object of retaining a list of the notes is to facilitate detection and prevent payment by the bank in case of robbery, your committee cannot feel themselves warranted to recom-

mend the relief prayed for, and therefore beg leave to submit the following resolution:

Resolved, That the prayer of the petitioner ought not to be granted.

DISTRICT OF COLUMBIA.

On motion of Mr. LEWIS, the Committee of the Whole was discharged from the farther consideration of the bill to incorporate a company for making certain turnpike roads within the District of Columbia; and the bill was ordered to be read a third time.

The bill was then read a third time; and on the question of its passage, Messrs. SMITH, FISK, and MONTGOMERY, opposed the bill, and Messrs. LEWIS, LOVE, and McKIM, supported it.

The reasons against it were, generally, that the charter was unlimited; that the tolls were extravagantly high, and they went to levy a contribution on all intercourse between the city and the adjacent country; that the tolls were graduated according to the distance travelled upon the road, which would be a source of perpetual dispute between the toll gatherers and travellers; and that a power was given to make a road towards Baltimore, which should exclude the town of Bladensburg, which it was said would be extremely unjust.

In reply, it was said that the charter was limited, inasmuch as that it was provided when the company derived an interest to the amount of 12 per cent. on their capital, the road should become a public road; that the tolls were not higher than usual, and that they had been scrutinized and fully debated in the Senate; that the exclusion of Bladensburg from the road, should it take place, was no argument against the bill, as roads were not made for the benefit of a particular spot, but for general accommodation.

The bill was passed, 48 to 28.

ADDITIONAL DUTIES.

The House resolved itself into a Committee of the Whole, on the bill for laying additional duties.

[To this committee had also been referred the following resolution: "*Resolved*, That the Military and Naval Establishments of the United States ought to be reduced."]

Mr. TAYLOR said it appeared to him that the House had determined on Saturday to consider the subject in this manner, in order to give the gentleman from Virginia, (Mr. ERRES,) who was about to be absent, an opportunity of explaining the principle and object of the bill which he had reported for laying additional duties—which procedure was certainly, as had been said, putting the cart before the horse. That motive being now removed, he hoped the House would consider the subject in the way which they could come at it understandingly. He moved to postpone the consideration of the bill, in order to take up the resolution for the reduction of the Army and Navy.

Mr. MONTGOMERY said that, according to the estimate made by the Chairman of the Committee of Ways and Means on Saturday, allowing for a reduction in the Military and Naval Establish-

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ments, it would still be necessary to pass the bill. In voting for the resolution to reduce the Army and Navy, therefore, he was not bound to vote against the bill. He could vote for both with the most perfect propriety. It is not (said he) contemplated to raise a sum of money predicated on the support of the Military and Naval Establishments as they are. The bill is founded on a contemplated reduction. It is considered a wise policy to have a sum always in the Treasury of one million of dollars. It is not contemplated by any one to put down the whole Army and Navy. Additional revenue will therefore be necessary. This mode of taxing the people is the most eligible. A direct tax would operate on all classes of the community. This sum, if it should be raised, will be paid, not by the poor, but by those best able to pay it.

I can see no reason why the resolution respecting the Army and Navy should be first taken up. If you do mean to lay additional duties, you ought not to suffer certain persons to have preference over others. If this bill be postponed till we prepare a system for the reduction of the Army and Navy, and pass the bill, (for that is the argument of gentlemen,) a number of vessels now expected will come in duty free.

Mr. DANA said, if the expenditure for the Army and Navy was reduced, it was very clear to his own mind that it could not be necessary to lay the whole of the tax. He was not certain that it would be necessary to lay any tax whatever, upon the fair principles of supporting public credit.

Of all projects of finance, (said Mr. D.,) that which proposes, in case of a deficiency in the receipts, to augment the taxes for one year so as to meet it, appears to me the most oppressive on the community, as compared with the benefits derived from it to the community.

As respects the duties being on luxuries, and levied on the opulent part of the community only, if gentlemen, instead of indulging in vague generalities, will examine the subject, they will find them to be most oppressive. I admit that under the system of revenue established prior to 1801 there was a marked distinction, so far as it could be drawn, between articles generally consumed by the opulent and those consumed by the laborious part of the community. On the articles which were confined to the opulent and prodigal, because none but those who expended large sums annually, or exceeded their income, could pay for them, duties were charged double, perhaps treble the average rate charged on articles consumed by the great body of the laborious people. As to the articles charged at present with fifteen per cent. duty, which duty is proposed to be increased one third, I call upon any gentleman to say whether any portion of the community is so poor as not to wear the ordinary articles of clothing, or ordinary food and drink. Will gentlemen say there is any part of the community to whom is denied the privilege of wearing coarse cotton and woollen goods? These are the articles on which the greatest portion of duty will be levied. Articles in general consumption, and coarser ar-

ticles of woollen, produce a much greater sum to the Treasury than finer articles. Specified articles, such as wine and foreign imported spirits, are charged with a higher duty, because they are not considered perhaps generally necessary to subsistence. Taking wines, spirit, all fine cloth, all fine cotton goods, all silks, articles of military equipment, &c. together, they do not furnish perhaps one-third of the revenue, because the greatest portion of it is collected on articles left after subtracting these.

Considering that there are three millions deficient, I submit it to every gentleman, whether, in point of benefit to the community, in point of fiscal wisdom, it is not better to provide for it by a loan and an annuity to extinguish it in three years. If the Military and Naval Establishments are not to be kept up to their present extent, we do not want a tax during a number of years. It is only necessary then to provide for what is now deficient. If it be more convenient to the people, and more consistent with the public service, to provide for a loan and for extinguishing the debt created by it in three years, we ought to do so.

Mr. TROUP said he liked the matter much better than the manner of the gentleman last up. Here (said Mr. T.) is an important question raised at the heel of the session, which if adopted will go into operation *instantly*. The very first effect of this measure is to put into the pockets of a certain class of the community, who may be marked and identified, a per centage of eighteen or twenty per cent. on all the amount of capital which they may have in their possession. Suppose, sir, that we, instead of being selected from various classes of the people, were merchants. Would anything be more practicable than, under the pretence of raising revenue, to put millions into our pockets? Unquestionably not. I will vote for raising money for the Government; but certainly there is a choice between the modes. Are the ways and means now proposed, the ways and means the best calculated for the purpose? It might be better done by loan. To either mode, however, I would unquestionably prefer the reduction of the Army and Navy, and I am therefore in favor of the proposition to take up this subject first; for I am as well convinced of the fact as that I am now addressing you, that the people will not consent to pay an additional tax for the support of armies and navies raised to oppose the injurious acts of the belligerents against our rights, after we have abandoned those rights and dishonorably withdrawn from the contest.

Mr. SOUTHARD said he was not prepared to act on the question for the reduction of the Army and Navy with the knowledge that a bill had passed this House for raising one hundred thousand men. Until the Senate acted on this bill, he was entirely at a loss to know how it could be reduced. If the Senate passed that bill, it would be an exceedingly good substitute for the present Army; but if they struck out that part of the bill respecting volunteers, it would alter his opinion very much. Mr. S. differed in opinion with the gentleman from Georgia (Mr. TROUP) who had

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supposed that the people would not pay taxes to support the Army and Navy. He thought the nation were not sunk so low but that the people would subject themselves to any necessary burden to support their important rights.

The bill now under consideration (for laying duties) was ordered to lie on the table—ayes 49, noes 46.

REDUCTION OF THE ARMY AND NAVY.

The Committee took up for consideration the following resolution, which had been referred to them:

"Resolved, That the Military and Naval Establishment ought to be reduced."

Mr. MAÇON moved to amend the resolution, so as to resolve that the whole Army ought to be disbanded.

Mr. M. said the whole Army was in such a state that he believed it ought to be disbanded. He was anxious to know what had produced that state. It is no secret (said he) that the Army has, from some cause or other, been very much mismanaged. These circumstances we are not yet by any report informed of. The state of that Army is enough to make any man who has the smallest love of country wish to get rid of it. As far as I have understood, animosity extends itself through the whole corps. It may be traced to many years standing, and applies as well to one part of the Army as to another part. It existed as long ago as the war in the Northwestern country, and is growing constantly worse. Suppose you were involved in a war with one of the belligerents—can you expect unity of action where there are cordial dislikes? Can you expect, where they hate the commanding officers as much as the public enemy, that men can act with the same zeal as if they were all united? It seems to me it cannot be expected. Gentlemen may reserve the privates if they think proper. I do not, sir, make this motion because I believe the officers are not men of courage; but because this opinion of their disunion is held by all classes of the community. The attachments of the present corps and of the Revolutionary army are as different as can be. I believe the violence of party spirit since has not dissolved the great affection, (may I say the love?) produced by the war of the Revolution amongst those engaged in it.

Mr. NELSON said he was not a little astonished at the proposition to reduce all the military force of the country. He said he should be astonished at a proposition of this kind by any member at any time, but more especially so now, when they knew not but there might be an opportunity to use these men and as many more. What, said he, is the difference between our situation now and when the military force was raised? Has any treaty been made with England and France, or anything been done which places us in a different situation in relation to either of them? For anything we know, we stand in the same situation that we did when we passed the act for raising an additional military force. I marvel much indeed that gentlemen who voted for that bill should

now come forward, and not only make a proposition to repeal that law, but to disband every man in service! It is unnecessary, sir, for me to argue against the proposition of the gentleman from North Carolina in its full extent, because no one but himself, I trust, will be found to vote for it. As I am up, however, and mean not to rise again on the subject, I will take the liberty to speak not only to the proposition to disband the whole army, but to show that it is impolitic at present to disband a single man.

Why are we to do it? Why, truly, because, from unfortunate events and the conduct of the belligerents, our Treasury has become empty, and we are to raise money in some way or other; and we prefer reducing the Army to laying additional duties. It is a perfect child's game. At one session we pass a law for raising an army, and go to expense. In another year, instead of raising money to pay the expense by the means in our power, we are to disband the army we have been at so much pains to raise. We shall well deserve the name of children instead of men, if we pursue a policy of this kind. But, says the gentleman, let us disband the present army and raise a new one. I had thought the gentleman was a friend to economy; this, sir, is a left-handed sort of economy.

The gentleman says, however, that there is such animosity among the officers, they ought to be disbanded; and, if disbanded, I suppose we must put a clause in the bill that no man who has before been an officer shall again be appointed. Have not the officers now in the Army acquired some degree of knowledge? Would they not be vastly preferable to new levies? These feuds will always exist in your armies in time of peace. It is, on this ground, a matter of no importance of what materials your Army is composed—for, if they are not employed against a public enemy they will quarrel with one another. I know it from experience. The gentleman speaks of the love which existed among the Revolutionary soldiers. I admit it, sir. But when that army lay remote from the enemy, without anything to do, those feuds were as prevalent among them as among the present army. They are inseparable from the nature of military life. A number of men placed in a remote situation, where there is no society, where there is no common danger staring them in the face, which will link and bind them together, being young men, men of high spirit, little bickerings pass between them, and as they cannot fight the enemy, they fight one another. Look at the feuds in the Western army between Wilkinson and Wayne. Party was carried to as great lengths as in any army. When marched into the Indian country, on the 20th of August, at the battle of Miami, they fought together like two brothers. Raise a new army to-morrow, and the same feuds will exist in it as in the present army. Turn out the present commanding officer and put in another; there will be harmony a little while; but, if there be nothing to do, it will soon be otherwise. The cause of the strength of attachment which existed

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among the officers of the Revolution was, that they went together to face the enemy in time of danger, and the times of danger were frequent.

I am against, at this time, reducing the Army at all. I do not say that I would be so a few weeks hence. If when this vessel, (the John Adams,) so long expected, arrives, the information she brings shall be such as will justify the Government in discharging the new troops, I will go heart and hand in doing it. To do it at this time is doing it prematurely, without any light by which to act. But on no occasion would I agree to the propositions of the gentleman from North Carolina to disband the whole Army. You have laid out immense sums of money in building fortifications—and rather than raise a tax to answer the common purposes of Government, will you suffer to go to ruin the works you have raised? But, say gentlemen, the militia are adequate to the defence of the country. Granted, sir. But militiamen will not do for forts and garrisons. They do not understand the duty, and cannot spare time from their domestic occupations. You cannot take the farmer or planter and put him in a fort. What is to be done with the frontier? Are the Indians again to be turned loose on the inhabitants? Do you not suppose, if you withdraw your garrisons, that the scalping knife will again be drawn? Certainly it will. Destroy your Western posts, and you will find them quickly at work. But gentlemen may say the Western people may go into forts and defend themselves. If the time which a man ought to employ in the cultivation of his farm was to be employed in doing duty in a fort, you would find the country very slowly settled. I would maintain a sufficient number of men for the Western and frontier posts, and that I would do at any time. I care not for expense; the people themselves do not regard it for such an object. It is besides much cheaper than calling out the militia. What is this great expense complained of? Does the money leave the country? Is it sent across the ocean? Is it not expended among your own citizens? It is no loss at all, in my estimation. The money is spent in your own country and comes back into the Treasury. It enriches the people, if not the Treasury. I submit to the House whether it be not proper, before we determine to reduce either Army or Navy, that we should precisely know the situation in which we stand in relation to foreign Powers. Until that be known, it is impossible that we can do anything on this subject, unless we grope in utter darkness. I move, therefore, that the Committee rise, for the purpose of letting the subject lie on the table till we can get a little further information on it.

Mr. DANA was opposed to the Committee's rising. The question being whether any part of the Army should stand, he said, detailed information was not necessary. If the question was, what part of the Army should be disbanded, the case would be very different. He said it was known that there always did exist along the line of the frontier men impressed with a reverence

for our superiority in arms, and this impression must be continued by keeping in arms a body of men whom they might see at times, and by whose appearance they might be impressed with a sense of our superiority. If we were to withdraw the garrison from the mouth of the Mississippi, we should expose that country to be seized at once by a foreign Power; and for an individual to recover himself from the grasp of a giant would not be a more arduous task than to recover that country from the hands of an enemy.

Mr. RHEA said he did not by any means admire this mode of getting rid of the bill for laying additional duties. He reprobated the idea of disbanding the Army at this time. What, he asked, was to preserve the Western posts? What could preserve Michillimackinac? The traitors who were willing to stir up commotion on our frontier would have nothing to oppose them. He was against this precipitation, and wished the subject referred to a separate committee.

Mr. SMILIE hoped the Committee would not rise, but would go through with the subject. His opinion was, that the Army ought to be reduced to the Peace Establishment. The argument of dissensions in the Army had no weight, and had been well answered by the gentleman from Maryland (Mr. NELSON.) Where there is no common enemy to oppose, a body of men would quarrel with each other. We need not refer to armies for examples, said Mr. S., for we see this fact fully exemplified in this House.

Mr. TAYLOR stated his object to be to authorize a reduction to the peace establishment, and to authorize a selection of the officers necessary to be retained. As to the Navy, he wished to see the whole laid up in ordinary, except such part as the President should think proper to keep for despatch vessels.

Mr. TALLMADGE was against the Committee rising. He was also against prostrating the whole army. He wished that proposition to be negatived, and to come fairly to the proposition—How much it should be reduced?

Mr. JOHNSON.—Mr. Speaker, I did not intend to express a sentiment upon this subject when I entered the House this morning; but the sentiments expressed by others have made it my duty. I am in favor of reducing the Army and Navy to the lowest peace establishment, and shall not hesitate to give that vote this day upon this principle—that Congress has refused to use the Army and Navy for the only legitimate purpose for which they could be increased; that is, in vindication of our rights, and in avenging the insults of France and Great Britain.

The Army and Navy are not in themselves any resistance to foreign aggression, unless you use them. We commenced a system of resistance against our foreign enemies worthy the cause of freemen—the system of embargo and non-intercourse; and we resolved that when we abandoned the system of commercial restrictions, we would resort to resistance by force. Hence the necessity of increasing the Army and Navy: and under a just conviction that the honor of the nation required

preparation to meet a state of war, many voted for this additional force. But we are about to abandon commercial restriction, and we have utterly refused to use force for the purposes of protection, and still we are required to keep up the Army and Navy. Unless you use them, the Army and Navy, in time of peace, are engines of oppression, and beyond an economical peace establishment they are inadmissible. Expenses are incurred for no valuable purpose, but the consequences are mischievous. We shall want a few despatch vessels, and a few soldiers to guard the Indian frontiers and to keep in order the fortifications on the seaboard; the balance is useless, and in fact, pernicious. Will the people of the United States in time of peace pay six millions of dollars for armies and navies annually, which you permit to sleep in camp, and pass the idle hours in a frigate, while the deep wounds inflicted upon this once happy country are fresh bleeding? If this Army and Navy were used in co-operation with other force for the advantage of the people, the six millions would be nothing; it would not raise a murmur; at least not with those who would expend millions for defence, but would not pay a cent for tribute. It would not, therefore, be the expense alone that should induce me to disband the Army and dismantle the Navy. Why did not the people complain of the armies and the expenses of the Revolution? The object was glorious! The attainment was valuable! Why did not the people complain of the Army and the expense incurred by employing it against the Indians after the Treaty of '83? Because the honor, the safety, the independence of the nation demanded it. Why were the armies and navies under the Federal Administration unpopular? Because the people did not see the necessity of such forces. They thought, and correctly too, that war had been provoked with France (at that time thought to be fighting for independence) for the purpose of British alliance; and with this parade and expense, our rights at home were abridged, and the political institutions of the country threatened. Why have not the people complained of the increase of the Army and Navy under the last years of Mr. Jefferson's Administration? Because they believed one should have been sent to the Canadas, and the other to drive smuggling vessels from our waters; and the only complaint made is, that we have failed to use the physical force of the nation to chastise the aggressions of other nations. To our humiliation and everlasting degradation, we have refused to use the means in our power to induce foreign nations to do us justice. I will not make that melancholy situation worse by keeping an army and navy at the expense of six millions, which must drive us to the necessity of taxing the people, or of increasing the debt of the Revolution. I want neither armies or navies in time of peace.

The annals of human nature have not given to the world the sad example of a nation so powerful, so free, so intelligent, so jealous of their rights, and at the same time so grossly insulted,

so materially injured, under such extraordinary forbearance. I have preferred a strong system of commercial restriction. I know it would be efficacious if enforced. But if this will not do, rather than submit one moment to the tyranny and oppression of France and Great Britain, I would vote for a positive and unequivocal declaration of war against both Powers. We are able to maintain our independence against the combined Powers of the world; and were we not, the whole is combined against us, and submission would not alter our situation. The people will not submit to be colonized and give up their independence. This is their motto: they will teach it to the rising generation, and it will remain as long as memory itself. War should be the last sad resort; but war rather than submission. I will be satisfied with any measure that will hold up honorable resistance to foreign foes, but less I will not agree to.

Negotiation! This is in our way. I am willing to try negotiation until all are satisfied, if we can in the meantime keep up a system of honorable opposition to the pretensions of the naval Powers of Europe. But I will not submit to foreign insult, abandon my country's rights, and then knock at the door of negotiation and humbly ask admittance. It must be effectually opened upon reciprocal dispositions, or I never would intrude upon their mercy. I expect nothing, however, from negotiation. I have no faith in the promises of kings or emperors. I will no longer confide in the justice of nations who feel power and forget right. I must see the act and deed signed, sealed, and delivered, before I shall ever believe in its obligatory force. We still wait for negotiation—we wait in vain. I consider negotiation as closed. How long shall we expect and depend upon negotiation? Shall we be for ever amused with this fascinating charm until our chains are forged? Shall we never awake to our situation? We are prevented from asserting the rights of this nation by the pendency of negotiation: I will wait no longer, nor build my hopes upon such expectations. I would take measures which should furnish some inducement for negotiation, and then we should have it; but never, so long as we invite aggression by submission.

Bonaparte talks through his Minister of the sacredness of neutral rights, in the same moment that they are prostrated by his lawless power. He declares that his decrees will remain in force as long as the British orders, or the same policy with those orders. England has declared that her system will not be abandoned as to the United States but upon certain conditions which would be a literal as well as practical surrender of our independence. This is our situation, and every arrival from Europe brings accounts of new distresses and provocations—yet still we are waiting the news from Europe! What strange infatuation has seized upon the human mind? Expect justice from those whose justice is power! What inducement have foreign nations to cease their nefarious aggressions? Is it because we

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have receded from the ground of resistance which was assumed by Congress? Will they cease because they have grown rich upon the spoils of our property and the plunder of our commerce? Let us remember the fable, and depend upon ourselves. Providence has never withdrawn his guardian care from the only country which holds out to the unfortunate of every climate a place of refuge and rest. Let us look to ourselves; let us unite; let us dismiss our fears. The danger apprehended is ideal—then why tremble and look dismayed? I fear neither the conscripts of Napoleon nor the British navy: they may injure, but cannot enslave us. Promises will do no longer—reparation only can atone. We all agree that our wrongs cannot be aggravated—all say we have just cause of hostility—that at this moment France and Great Britain have decrees in force, which regulate at their pleasure the exportation of our own produce—the produce of our own soil and labor. This being admitted, let me ask whether this nation is able and willing to vindicate her own honor and maintain her inherent rights against foreign encroachment? The people are able and willing—who will deny it? To say otherwise is an unfounded calumny on the American people.

A Republican Government is the strongest Government in the world; it is founded upon principles indestructible and everlasting—principles of affection, virtue, intelligence, wisdom, and self preservation. I never will consent to purchase British or Gallic friendship; it would make them look upon us with contempt—they would despise us for the want of union and energy. And what need we expect from submission? This will not satisfy tyrants. No, sir! They will chastise you for the very act of submission. Do they press us for the sole satisfaction of seeing a great Republic humbled? They are actuated by other motives—the motives of gain and plunder. But it is said we cannot fight the whole world. Then let us tell France and Great Britain to continue their spoliations until they make a treaty with each other—or until one nation will agree to forbear while we fight the other; and when we have proved successful, we must then invite the other to open combat. Others say we must not interfere in the European wars—the two warring Powers are a good counterpoise. This is complaisance indeed, to say to those who are trampling upon us: We will not resist until you fight it out, and so soon as you have ended the conflict, we will fight you single-handed.

I am not astonished at any doctrine now-days, or I should be at this. In my opinion, the circumstance of our having to resist the insults of both nations, is not at all unpropitious. I had rather be at war with both nations while engaged with each other, than fight either nation single-handed. But some are afraid of a British, some of a French alliance. There is no necessity for either, nor would I ever enter into such alliance. If we should be drawn into the war,

we should have to fight for our own rights, and never enter into any arrangement that would bind the United States to keep up the war one single moment after we should have received satisfaction.

But look to the papers from England. There is no danger of war. We want nothing but justice, and were we to demand it in a tone that would convince England war would be the result of its being longer withheld, we should receive justice in twenty-four hours. So with France—nothing is wanting but firmness. We hear members say that we cannot go to war with England. In England, members of Parliament say they cannot maintain a war with the United States at this period. England and France have generally pressed us at the same time; as one advances, so does the other, and as we take firm measures, they both recede, and when we temporize they advance. This should teach us wisdom. Let it never be recorded upon the journals of this House that the people are unable or unwilling to maintain, at any hazard, their character, their rights, and independence. The records may be stained with such a vote, but that will not make it true. We are afraid to trust ourselves, and we pretend that we are afraid to trust the people. My hopes have rested and always will rest upon the people; they constitute my last hope. We may disgrace ourselves by our acts, but the people will rise in the majesty of their strength, and the world will be interested in the spectacle: we ourselves should venerate the firmness we could not imitate. A people who might have avoided a seven years' bloody war if they had consented to pay a contribution—a tax of three pence upon a pound of tea—there is not a trait in the character of such a people to make us despond. Armed with ridicule and the cries of alarm, the Opposition have driven us from every honorable ground heretofore assumed, and we are at the end of the session upon the brink of submission; the nation is represented as a sick child crying after foreign commerce, unable to forbear or suffer.

Talk of restrictions on commerce, and we are told that we cannot make money enough—speak of war, and we are told of its horrors—but we are not told at the same time of the value of independence and the injuries we have sustained: that would not answer the purpose, the balance would not sink in favor of such considerations. Our weakness—this is a theme of constant declamation. Our childhood; our want of nerve, men and money; an exhausted Treasury, our gunboats, torpedoes, and even our Army and Navy, are all brought up as reasons for submission, passive obedience, and non-resistance. With union, we have everything; we have citizens, and they are soldiers; we have freemen, and they have spirit; we have statesmen, and they have patriotism; we have officers, and they have wisdom and valor; we have fortifications, arms, and munitions of war; our resources are inexhaustible, and unparalleled in any age or country. The Secretary of the Treasury, in his report to Congress

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of December 10, 1808, in speaking of the resources of the revenue, says, that a revenue derived solely from duties on importations, though unimpaired by war, will always be amply sufficient during long intervals of peace, not only to defray current expenses, but also to reimburse the debts contracted during the few periods of war; and that no taxes, direct or indirect, are therefore contemplated in the case of hostilities carried on against the two great belligerent Powers. In his letter to the Committee of Ways and Means, upon the same subject, this session, he says, the proceeds of the public land would alone, slowly perhaps, but certainly, extinguish a much greater debt than the United States have it now in their power to create. With these two distinct sources of revenue, we are told of our poverty and want of resources. The Secretary of the Treasury has pointed out the ways and means, and it belongs to us to use them with discretion, or not use them at all.

I will not go back for causes to justify a system of resistance. I would not go back to past events, and I would leave out of the question, if gentlemen wish it, the burning our vessels on the high seas—the confiscation of our property in port—the imprisonment of our citizens—the murder of *Pierce*—the attack on the *Chesapeake*—the impressment of our seamen; and still I should find cause to justify the most energetic measures against France and Great Britain. I mean the orders and decrees. It was proven by a member from New York, who got his information from the Treasury reports, that the blockading orders of England, at this time, would injure our trade and our citizens, to the amount of upwards of \$30,000,000 annually; and the decrees of France, upwards of \$18,000,000. The whole wealth of the nation is closed out from an honorable and profitable market. The honorable course is as evident to nations as to individuals; it is as important to the body politic as to the citizen; and you might as well endeavor to convince me that an individual, because he is surrounded with wealth, and in a house adorned, as this hall is, with crimson curtains, would feel justified in having his character assailed, and his rights attacked, without the least obligation to defend the one or other, as to attempt to prove that, as we are rich and happy as a nation, we should permit foreign Powers to treat us with indignity, and trample under foot our most valuable rights.

We have three courses before us. To maintain our rights, maritime and territorial, by force, by letters of marque and reprisal, and drive our enemies from North America—to meet the invasion of our rights, by commercial restriction—or to remain at home in Chinese policy. I would take either course rather than permit the despotism of foreign nations to regulate our commerce or our internal concerns. If we are determined to have commerce at all events, I shall be satisfied with an honorable and rigid system of restriction against the belligerents. It would be as powerful as armies and navies, and more

so, if we have love of country sufficient to enforce it: but if that fails us I am for using the sword and the musket, rather than suffer our flag to be dishonored, our sovereignty derided, and our exports regulated by a foreign despot. The citizens shall never seek protection, and obtain a license from a foreign Government to carry American products to market, with my consent. This nation shall not be so much dishonored. Before I would aid in a traffic so dishonorable, I would pass a law making it highly penal to raise the flag of the United States three miles from our shores. If we will have commerce, disgrace shall not go hand in hand with it.

I have confined myself to the injury now existing; the regulation or exclusion of our lawful trade from market by the decrees of the two belligerents. As to the past injuries, we are told they are forgotten—they are blotted from the memory, and we should not now resent them; on account of their antiquity our resentment has cooled. And is it true that these abominable outrages of only yesterday are of such ancient date that the memory of man runs not to the contrary? I do not believe that these outrages are forgotten by the people, nor are they willing to pass them without atonement. And are we never to resent injuries unless the whole nation is in a passion, and boiling over with indignation? A wise nation should never adopt a measure from the impulse of passion and resentment alone. We should exercise reflection and prudence—we should act as a brave and intelligent people—we should view the injury—examine its nature and extent, and its consequences if permitted to pass with impunity. If the consequences of acquiescence would be disastrous, we should then determine on a proper redress, and meet any danger without calculation or dismay. What measures would suit this House? Neither navigation laws nor commercial restrictions will do. Driving Great Britain from North America, and granting letters of marque and reprisal, will not do. Convoing merchant vessels to legal ports in opposition to French decrees and English paper blockades will not do. Arm your merchantmen? No. Encourage domestic manufactures and internal improvement, open roads and canals, and facilitate internal commerce? No. But when a Berlin, Milan, or Bayonne decree is enforced against us, say: Bonaparte is fighting for the liberty of the seas. When Orders in Council have blockaded the world from our just commerce, say—Great Britain is fighting for her existence, and against French dominion. When our vessels are burned, our property confiscated, and our citizens confined, say—we must not provoke this man. When our seamen are held in the chains of slavery by the British impressments, to the amount of thousands, let us say—they are mistaken for British subjects. When a *Pierce* is killed, say—his murderer has been brought to trial. When a national vessel is attacked, say—the outrage is disavowed. When a solemn arraignment is disavowed, say—the Minister violated his instructions. And when the President

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is insulted, let us justify the foreign Minister. The history of the French and British aggression, the history of our own measures, the experience particularly of three or four years past, prove, that we have nothing to hope or fear from either belligerent, and that we have no inducement left to make any sacrifices to procure British or Gallic friendship. The partial non-importation—the interdiction of the British armed vessels by proclamation—the embargo—the non-intercourse—the dismissal of Jackson; were to be causes or pretexts for war; and a declaration of war has not been made. When defeated in Spain, England relaxed. When Bonaparte was repulsed near Vienna, he relented. There is no danger of war so long as we permit the plunder of our commerce, nor would any exist, if we were resolved upon a firm vindication of our rights. This is evidence that no sacrifice is necessary on our part to conciliate the friendship of our foreign enemies, or to avoid war. And with this evidence before us, it seems to me that if the British navy could burn the seaboard from Passamaquoddy to Orleans, and we had an army on the borders of Canada, expressions of sorrow on her part, and a promise of satisfaction, would be sufficient to induce us to withdraw our forces, and stay the hand of vengeance. But we are waiting for European intelligence! Let us examine the feverish state of the public mind—let us retrospect this chapter of accidents, and see what we have gained by it. Nothing but disappointment.

There is always one uniform rule of inquiry; what news from Europe? The Spanish patriots, what progress are they making under the banners of Ferdinand and the Seventh? The British have sent an expedition to Spain in aid of the cause. The combined forces of Spain and England are defeated by Bonaparte, but another coalition is formed on the Continent against Napoleon. The Archduke Charles is to oppose him with immense forces. Good news! Bonaparte has been repulsed near Vienna—surrounded in an enemy's country—good must come of this! But the next mail brings an account of the defeat of the Austrians.—Sad reverse! Good news again! The British Cabinet is distracted—the members are quarrelling with each other—the King has declared he will not go to war with us because the President dismissed Jackson! And are we to take up our time in such inquiries as these? Are we to legislate upon the fluctuating events of Europe? I hope not. I trust we have done with the chapter of accidents. If we do not act more worthy the cause intrusted to us, we shall hear the indignant voice of an injured people. They have confidence in us, but, abandon their rights, and your influence is no more. A system of tame acquiescence will soon make us feel the leaden hand of oppression. The sound of misery and the groans of distress, rather than the voice of joy, will be heard in the cottage of the farmer and the shop of the mechanic. During the session we have often heard members oppose every measure of resistance, for fear war should be the re-

sult, and advert to the distresses of the Revolution. Is the Revolution brought up to prove that we should submit to foreign aggression? Does it prove that the independence achieved by the glorious struggle is not worth the money and blood which it cost? Does it prove that we should now yield up that independence, rather than oppose the encroachments of France and Great Britain.

In this discussion, so unexpected, I have been hurried away, without intending so much to impose upon the patience of the House. I must, therefore, in justice to my own sense of duty, and the attention which has been manifested, cease to take up the time in any further remarks on the subject.

Mr. McKee said he rose with considerable embarrassment to discuss this question; but it was a duty which he owed to himself as well as to his country to make a few remarks on it. The reduction of the Army and Navy, said he, has been opposed on the ground that our difficulties with the belligerents are not adjusted. The fact is too certain, sir, that we have nothing on which any act is to be predicated as to any arrangement with the belligerents; but I conceive that, even if war itself was certain, it would be perfectly unnecessary to keep on foot this establishment. I do not want these men for the defence of my own life, liberty, and property; I look to the hardy sons of the country for defence from a foreign foe. Would any gentleman be willing to submit the defence of everything he holds dear, to men who have loitered out their days in camps and in the most luxurious ease and vice? What are the pursuits of those composing your Army? They are occupied with broils among themselves. Could you with such troops expect to meet the foe in such a manner as to produce a happy result? You could not expect but that they should take to their heels whenever danger assailed them. They eat up your means of establishing an efficient and effectual army whenever dangers may press, without promising efficient service in time of need.

It has been said that Congress have not taken any efficient measures. True, sir, they have not taken any, and it has been conceived by some, that the spirit of the nation has not been met by a correspondent disposition on the part of this House. To declare war requires the concurrence of this House; but, sir, whenever you are to have war, you will hear the voice of the people commanding it, like the voice of Jove when he bows the heavens and rends the skies. War is easily commenced but not easily ended. Such are the fundamental principles of our Government, that war is the last measure we should resort to. If the cry of war was heard to-morrow, would you rely on the present army for carrying it on? I presume you would not. If you did, what would you depend upon? A set of men collected from where? From the very dregs of society. On officers who have trifled out their days in luxury, ease, and extravagance. I will not myself rest my rights as a citizen on any such a tenure.

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And I say again, sir, and I hope the idea will be considered by the House, that whenever the nation goes to war, whenever dangers press, I look not to those who are hired for five or six dollars a month for our effective force. In what, sir, does the strength of this nation consist? In standing armies or fleets? No, sir; but in the affection of the people to the Government. They think and judge for themselves; and whenever war appears indispensably necessary, you may ask your citizens to turn out and they will do so. They will rally around the standard of the country, and present an united front to any foe.

I am glad also that the resolution contemplates the reduction of the Navy; for I never could for myself discover what advantage ever was derived from the Naval Establishment, or could in prospect be expected from it. Is it in prospect to erect a naval force to cope with that of Great Britain on the ocean? The idea is chimerical. Why shall we spend millions a year to answer no valuable purpose? If it be unavoidably necessary for us to become a naval Power, let us begin at once, and build fifty or sixty frigates or ships-of-the-line. But I presume it is not the intention of Congress or the nation to spend on such a project sums of money beyond their reach; and even if it were, I would ask what good can be derived from a navy, even if we were capable of coping with that of Great Britain? What has reduced a great portion of the British nation to a state of misery unequalled? Her navy. What has kept the British nation perpetually at war for half a century past? Her navy. A navy is an instrument always ready for action; and had we a navy nearly equal to that of Great Britain, we, like her, should always be at war, because men all have the same dispositions, and will act in the same way in similar circumstances. What enabled Great Britain to carry on war against the United States when she sought to humble us? Her navy. What has enabled her to keep European trade in bondage for years past? Her navy. What enabled her to commit enormities in Hindostan, the bare relation of which would add a gloom to the regions of the dead? Her navy. Sir, such an instrument I do not want to possess. Seeing that no good can arise from an establishment of this kind, I would cheerfully vote for its reduction as low as I can.

Mr. RHEA was totally opposed to the whole of the resolution. He said he was not about to attempt to do away what had been said in relation to disputes in the Army. They had no relation whatever to the subject before the House. If the officers did their duty as far as commanded, he said it was all the United States could ask from them. To be sure, said he, the whole number we have got is too small for a War Establishment, and indeed may be too few for a Peace Establishment: but they are equal, take them together, to the same number of any troops in the world. I will observe to those who are so anxious to adopt this resolution, that we have our neutrality to support. That we might appear as formidable as may be to those in opposition to us, we ought

not by passing this resolution to strip ourselves bare of military force. What would gentlemen have? Do they desire that the whole nation should be naked of defence through their whim and caprice? I am not for relinquishing any principle we can support. So long as we can support our neutrality, so long shall we be respected by the nations of Europe. I deny that we have yet relinquished a single principle of right. The belligerents have harassed our trade; but have we relinquished anything to them? We have not. A navy at this time is necessary to keep marauders off our coast. If we had such vessels in our waters before the murder of Pierce, that probably would not have taken place. If gentlemen are not willing that our coasts and waters should be liable to the molestation of every little picaroon, they will vote for the reduction of the Navy.

My objection to expenses is as great as that of any man, but I cannot on that score agree to this resolution. I feel a reliance on the militia; but, sir, suppose the Indians come to Michillimackinac or the posts in Ohio—are you to repel them by the militia? I am not for disturbing those people from their useful occupations. Let us not, for fear of expense, do a thing which we might repent at a future day. It appears to me as if money was the order of the day. We must have commerce to get money; we must disband the Army and Navy to save money. It seems to be considered the *summum bonum*. As I am not of that opinion, I hope the resolution will not pass.

Mr. McKIM said that all the proofs he had heretofore received of the sincerity of the gentleman (Mr. MACon) who had made this motion, could not make him believe that he was serious in proposing to disband the whole of the present little Army. When all Europe is in arms, said he, when our rights are wantonly trampled on, it appears to me the most extraordinary proposition ever made to a deliberative body. The expense has been dwelt on; but that will not terrify me into an acquiescence in the proposition. Your Army is in the United States. Where does your money come from? It is collected from the people of the United States. Where is it spent, if appropriated to the support of the Army? In the United States. It returns to the people who paid it. I have no idea of a little expense inducing this House to demolish its means of defence. To have been perfectly consistent, the resolution should have comprehended the demolition of our forts, the sale of the cannon, &c. Our Army is very little more than sufficient to take care of them. At any time when we can see the nations of Europe return to order, the spirit of war and depredation asleep, and those evils which threaten the very dissolution of civil society corrected, it will be time enough to reduce our military and naval force. At present I hope we shall neither disband or reduce the Army.

Mr. DANA said that although the officers belonging to the additional military force were understood to have been appointed in some measure

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from a given political party in the country, from persons considered as belonging to a certain political sect, and that persons of a different description were put by, as not worthy of the honor of being intrusted with the public defence; still he did not feel so strongly for the smallness of that transaction as that he would be willing to set down the officers so appointed as unworthy the offices they held. He said he was not willing to suppose that there could be any large portion of the Army, of whatever political complexion its officers should be selected, that could not be trusted to fight the battles of the country even in point of military spirit. We ought not, therefore, said he, to reproach our Army with wallowing in luxury, and as enervated by indulgence, nor to say that we feel a distrust in the officers or troops, or that we deem them deficient in discipline or prudence.

Having made these observations in relation to the Army—and I certainly think that none of the officers from the State which I represent received their recommendation from the Representatives of that State, not even from my colleague (Mr. TALLMADGE) under whose suggestions many alterations in the law for raising the Army were made; and certainly, sir, whoever was Secretary of War, he could not have claimed precedence of my colleague for the actual knowledge or actual skill—yet still in respect to this army it is understood that the delegations from all the States in the Union were consulted but Connecticut and Delaware; Delaware I believe was considered under the guardianship of Maryland; Connecticut was to find whom she could—although this course of proceeding was pursued. I am not for reproaching the officers appointed, as military men, till some palpable cause shall be found; for I consider the soldier's sense of honor one of the best traits of his character; and if that be disregarded, we are not to expect our officers and soldiers to distinguish themselves by correctness of conduct or attention to the duties of their station.

I have to observe, sir, as to the course of procedure in the relinquishment of any of the past measures, that to all gentlemen who consider this system of restrictive energy as the sole mode of maintaining our rights, and as an essential principle of independence, and are now giving it up, it must be a subject of much difficulty; and gentlemen who consider this resistance as a pledge of national independence and a guarantee of national honor, must view it with horror. I respect the sentiment which detests the surrender of that honor of which we are the guardians, especially in this Hall, which should be as the Temple of Freedom. But let gentlemen themselves take care of that affair. I have nothing to do with it. I never considered it a mode of defending our rights. I never expected it to produce that effect. I might have respected the zeal of gentlemen, but, as to the operation of the system, I had no confidence in it. I do not think it was proper to attempt to maintain our independence by adopting the old colonial system of non-exportation and

non-consumption. If, to be sure, we were now colonies of another Power, and had provincial agents at the British Court, to implore His Majesty to look upon our sufferings and graciously to relieve us from the burdens he and his Parliament had put upon us, all this system would be proper. But, sir, till we agree that our Ministers Plenipotentiary are but the agents of the colonies of the British Empire, as a system of opposition to one or the other belligerent, it is a system radically wrong. In the nature of the thing, you are doomed to fail in the contest of commercial restriction. The nature of things is, that the contest is so unequal that no human virtue can enable you to triumph. Whilst those against whom you act suffer a loss of a fourth of their revenue, you suffer a loss of one-half or three-fourths of your revenue. The reaction on you is greater than the action on your opponent. You are doomed to fail precisely for the same reason that any line of troops passively exposed to a fire must suffer more than those actively engaged. Passive endurance is more painful than action. To endure with patience is the severest test of firmness. This system, sir, has nothing in it conformable with my ideas of maintaining the honor, independence, and rights of the country. If gentlemen have found that the system has failed, they have the felicity, which every man may hope for, of learning wisdom by experience in the result of his own error. If they think the system has now failed and ought to be abandoned, they have a consolation, that under the difficulty of persevering, under the great loss of public money, and the great public dissatisfaction, they have shown a determination to hold on in the course they had commenced. They would be singularly unfortunate if they had not now the benefit of correcting their own errors.

Dismissing this subject, however, I come to the question, whether we should have any regular troops in the service of the United States. I am for having some, because I consider a certain force as necessary to economy, as necessary to the convenience of our people, as necessary to the saving of public property. To call out the militia to serve in garrisons might be extremely vexatious to the citizens. While one detachment would be marching to the fort, and one from it, they would be additionally expensive to the United States. On an average, they would cost a third more and do much less than the same number of regular troops. Another difficulty in calling out the militia for this purpose would be, that the perpetual change of troops, and more especially as they are of a description which have not that close observation and attention to command essential to the policy of an army, would prevent a proper care being taken of the public stores. Under such a system we should spoil one very good cultivator of the soil to make one very bad soldier; it would cost more money and expose to considerable waste the public stores. I am therefore against disbanding the whole Army of the United States.

Mr. DAWSON expressed his hope that gentlemen

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would curtail the debate and permit a question to be taken.

Mr. MACON again spoke in favor of disbanding the Army.

The partial reduction of the Army was advocated by Messrs. TALLMADGE and ROOT, and opposed by Messrs. HOLLAND, and BOYD.

On motion of Mr. ROOT, the resolution was amended, so as to read as follows:

"Resolved, That the Military Establishment of the United States ought to be reduced; and that the Naval Establishment ought to be reduced."

Mr. ROOT then called for a division of the question.

And the question being taken on so much as relates to the Military Establishment, was carried, ayes 77—present about 100 members.

And the question was taken on the remaining part relative to the Naval Establishment, and carried, ayes 63.

The question on the whole resolution was then taken and carried.

The Committee rose and reported progress on the duty bill, obtained leave to sit again on it, and reported their agreement to the resolution.

The House agreed now to consider the report of the committee, but, before taking a question on it, adjourned.

TUESDAY, April 17.

The House proceeded to consider the amendments of the Senate to the bill, entitled "An act to amend an act, entitled 'An act for the establishment of a Turnpike Company in the county of Alexandria, in the District of Columbia;'" and the same being twice read, were concurred in by the House.

On motion of Mr. BURWELL, who observed that the amendment he had wished to propose to the bill would be more appropriately added to another bill, the Committee of the Whole were discharged from the further consideration of the bill fixing the compensation of public Ministers, &c., and it was ordered to a third reading.

A letter from the Secretary of the Treasury was laid before the House, transmitting a particular statement of the receipts, expenditures, loans, &c., from the commencement of the Government, made out in conformity to a resolution of the House, passed a few days ago, on the suggestion of Mr. RANDOLPH.

The bill from the Senate for the establishment of a quartermaster's department, was twice read, and committed.

The bill to allow the benefit of drawback to goods transported by land from Boston to Newport and from Newport to Boston, in the same manner as if transported coastwise, was read a third time, and passed.

The House took up, for consideration, the amendments of the Senate to the bill to examine into the title to the batture.

The first amendment requires the Commissioners appointed to collect testimony for that purpose to go to New Orleans.

This amendment was negatived, Mr. GHOLSON opposing and Mr. LYON supporting it—ayes 17.

The second amendment goes to strike out the clause requiring the Commissioners, appointed to collect testimony, to report to Congress *their opinion* thereon, and to insert the following: "together with the law, usage, edicts, or customs, upon which the said title may depend, and which they shall also collate and arrange."

Mr. POINDESTER opposed and Mr. LYON supported the amendment; which was negatived—57 to 40.

ADJOURNMENT.

Mr. SMILIE said that in reviewing the business before the House, he thought it was impossible to adjourn on the 23d instant, as they had agreed to do. He therefore moved to rescind that vote.

The House agreed to consider the motion, 50 to 23.

Mr. ELY opposed the motion as premature, and irregular, inasmuch as it appeared to him to be proper that the proposition to rescind should come from the House which had last agreed to the resolution, as it was to be supposed that the House would fully have investigated it. The Senate, besides, Mr. E. said, was the body most likely to be possessed of facts or evidence which would render it proper to protract the session.

Mr. SMILIE said he would move that the resolution should lie on the table but that he had understood the rules of the Senate required three days for the passage of such a resolution; and, if not passed to-day, it might not be in time for the Senate to act on it before the day fixed for adjournment.

Mr. LIVERMORE was of opinion that the resolution should originate with the Senate. Unless something was offered from the Executive which should render it necessary to protract the session, he was against the resolution.

Mr. GHOLSON moved to amend the motion, by adding thereto a resolution to adjourn on the 1st of May.

Mr. PITKIN said if the question was taken now, he should vote against it. If the President had received information to make it necessary for Congress to continue longer together, he trusted he would give it. If any such information was in his possession, it was his duty to communicate it to the House. The President knew that Congress had determined to adjourn on the 23d. If he wished them to continue longer, Mr. P. said he trusted that he would give them that information. Till that information was received, he could not agree to rescind the vote for adjournment.

Mr. NELSON said his ideas accorded nearly with those of the gentleman last up. Not being prepared now to act on the resolution, he moved that it lie on the table.

Mr. FISK hoped the resolution would not lie on the table, nor be amended as proposed, and cited the various important concerns now depending before Congress as so many arguments in favor of the motion, particularly the renewal of the

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charter of the Bank of the United States. If this subject was not acted on, the President might be compelled on account of it to convene Congress in an extra session.

Mr. QUINCY opposed the resolution. If Congress were now to protract the session, in what situation would they place the merchant, who had calculated with certainty on the adjournment of Congress on the 23d, and consequently on the expiration of the non-intercourse law at that time? Was the House going thus to hang them in suspense? If the resolution was adopted, a bill for the immediate repeal of the non-intercourse must be simultaneously passed.

Messrs. GOLD and UPHAM also opposed the resolution, and Mr. MACON supported it.

The motion to lay it on the table was carried, 51 to 45.

YAZOO CLAIMS.

Mr. RANDOLPH said that, during the present session, a memorial had been presented to the House on behalf of the New England Mississippi Land Company, embracing what was generally known by the appellation of the Yazoo claim, which had been referred to the Committee of Claims. From that Committee he had been in expectation of a report for some weeks past. He said he was informed by the chairman of that committee that they had been discharged from the further consideration of that memorial, and that it was now on the table of the House. Mr. R. expressed his regret at the course this business had taken. He said, he did not wish that anything should be done, directly or indirectly, by any act of commission or omission, that should give any, the slightest degree of countenance to that claim. The House must be apprized, that a judicial decision, of no small importance, had, during the present session of Congress, taken place in relation to that subject. Now he feared that an abandonment on the part of the House of an examination of that question, particularly at the time when it was abandoned, would wear the appearance abroad of acquiescence in that judicial decision on their part. If it was any ordinary claim, I should have no apprehension; but I have been acquainted with this claim from the time of its introduction into this House, and surely never has a claim been pressed upon the public with such pertinacity, with such art, with such audacity. Not a single circumstance, however slight, has arisen in either branch of the Legislature, not a single act have we done, or failed to do, in relation to the claim, that the petitioners have not modestly adduced as an evidence not merely of the justice of their claim, but of a disposition on our part to subscribe to it. I do therefore hope, as this claim has rested so long before the Committee of Claims, as that they have made up their minds on the subject so as to enable them to make a report on it, that they will indulge the House with a report on it. I therefore move that the petition be referred to the Committee of Claims, with instructions to report thereon to the House.

Mr. JOHNSON objected to the reference, on account of the lateness of the session, the pressure of other business, and the impossibility of making a report during the present session in time to be acted on by the House.

Mr. LIVERMORE expressed his anxiety that this question should, in some shape or other, be brought before the House. He said, the claimants felt strong in the justice of their claim, and were anxious for a discussion and fair investigation of it.

Mr. TROUP advocated the reference. In allusion to the late decision of the Supreme Court, he said it was a decision which the mind of every man attached to Republican principles must revolt at. He said it was necessary, if the House were not disposed to acquiesce in that decision, that some step should be taken in relation to this petition.

Mr. RANDOLPH, on the suggestion of Mr. JOHNSON, that the Committee of Claims would not have time to prepare and mature a report, withdrew his motion for reference of the memorial to that committee, and moved the following resolution:

"Resolved, That the prayer of the petition of the New England Mississippi Land Company, is unreasonable, unjust, and ought not to be granted."

The House refused to consider the motion—yeas 46, nays 54, as follows:

YEAS—William W. Bibb, John Brown, Robert Brown, William Butler, Joseph Calhoun, Matthew Clay, John Clopton, Howell Cobb, William Crawford, John Dawson, Joseph Desha, James Emott, Meshack Franklin, Thomas Gholson, Peterson Goodwyn, Walter Jones, William Kennedy, Herman Knickerbacker, Edward St. Loe Livermore, Matthew Lyon, Aaron Lyle, Nathaniel Macon, Robert Marion, Alexander McKim, John Montgomery, Nicholas R. Moore, Thos. Moore, Roger Nelson, Thomas Newton, John Nicholson, Joseph Pearson, John Porter, John Randolph, John Rea of Pennsylvania, John Roane, Samuel Shaw, Dennis Smelt, George Smith, John Smith, Samuel Smith, Richard Stanford, George M. Troup, Archibald Van Horn, Killian K. Van Rensselaer, Robert Whitehill, and Richard Winn.

NAYS—Willis Alston, junior, William Anderson, Ezekiel Bacon, Daniel Blaisdell, Adam Boyd, James Breckenridge, John Campbell, William Chamberlin, Epaphroditus Champion, James Cox, Richard Cutts, John Davenport, junior, William Ely, William Findley, Jonathan Fisk, Barzillai Gannett, Gideon Gardner, David S. Garland, Thomas R. Gold, Nathaniel A. Haven, Daniel Heister, James Holland, Jacob Hufty, Richard Jackson, junior, Robert Jenkins, Richard M. Johnson, Joseph Lewis, junior, Vincent Matthews, Pleasant M. Miller, Jeremiah Morrow, Jonathan O. Moseley, Benjamin Pickman, jun., Timothy Pitkin, junior, Elisha R. Potter, Josiah Quincy, Erastus Root, Ebenezer Sage, Thomas Sammons, Ebenezer Seaver, Adam Seybert, Daniel Shessey, John Smilie, Henry Southard, James Stephenson, Jacob Swoope, Samuel Taggart, Benjamin Tallmadge, John Taylor, John Thompson, Uri Tracy, Jabez Upham, Robert Weakley, Laban Wheaton, and Robert Witherspoon.

Mr. RANDOLPH said as his object was thus defeated, and the House did not seem disposed to

discuss that motion, he should propose another. He moved that the petitioners have leave to withdraw their petition.

This motion occasioned a very desultory debate, in which Messrs. BIBB, BACON, KEY, QUINCY, SMILIE, RANDOLPH, LIVERMORE, TROUP, and SHEFFEY, took part. The great objection to the motion was, that it proposed a course which the petitioners themselves had not requested, and which was not usually pursued, unless where, after an investigation of a petition, it was deemed wholly improper to act on it.

Mr. QUINCY moved to postpone the motion indefinitely.

After further debate, on motion of Mr. GHOLSON, the further consideration of the whole subject was ordered to lie on the table—54 to 36.

REDUCTION OF THE ARMY AND NAVY.

The House then resumed the consideration of the unfinished business of yesterday.

The first part of the resolution being under consideration as follows:

Resolved, That the Military Establishment of the United States ought to be reduced."

Mr. BURWELL spoke in support of the resolution.

Mr. GHOLSON assigned his reasons for the vote he was about to give.

Mr. DANA replied to some of Mr. GHOLSON's remarks on the subject of commercial restrictions.

Mr. QUINCY said it appeared to him to be absurd to adopt a general principle and send it to a committee to report a bill, without giving that committee particular instructions, which might give them some idea of the wishes of the House. Mr. Q. was himself desirous of reducing the present military force to about five thousand men, the number he supposed proper for a Peace Establishment, and further he did not wish to go. He therefore moved to amend the resolution, which was now too indefinite, by adding words to this effect: "By providing for reducing, by law, the regiments of dragoons and riflemen, and authorizing the disbanding the Brigadier Generals and all supernumerary staff and company officers, except such as shall be necessary to organize — regiments of infantry, and — of artillery."

Mr. RANDOLPH opposed the amendment, because in defining what was thought too indefinite, it restricted the committee too much; and, also, because it proposed to disband the Brigadiers, when, but a few days ago, the House had appointed a committee to examine into the conduct of one of them; and, now to disband them, would look as if the House wished to quash the inquiry.

Mr. QUINCY's motion was negative—ayes 12.

Mr. RHEA moved to commit the resolution to the Committee on the Military Establishment, with a view to obtaining a bill for a specific reduction, though he was against any reduction.

The motion was lost, and the first part of the resolution was then agreed to—yeas 81, nays 31, as follows:

YEAS—Willis Alston, jr., Ezekiel Bacon, Burwell Bassett, William W. Bibb, Daniel Blaisdell, James Breckenridge, William A. Burwell, William Butler, John Campbell, William Chamberlin, Epaphroditus Champion, Matthew Clay, Howell Cobb, James Cochran, Samuel W. Dana, John Davenport, jr., John Dawson, Joseph Desha, William Ely, James Emott, Meshack Franklin, Barzillai Gannett, David S. Garland, Thomas Gholson, Peterson Goodwyn, Thomas R. Gold, William Hale, Nathaniel A. Haven, Daniel Heister, Jacob Hufty, Richard Jackson, junior, Robert Jenkins, Richard M. Johnson, William Kennedy, Philip B. Key, Herman Knickerbacker, Joseph Lewis, junior, Edward St. Loe Livermore, Matthew Lyon, Aaron Lyle, Nathaniel Macon, Robert Marion, Vincent Matthews, Archibald McBryde, Samuel McKee, Wm. Milnor, Thomas Moore, Jeremiah Morrow, Jonathan O. Moseley, Joseph Pearson, Benjamin Pickman, junior, Timothy Pitkin, jun., Elisha R. Potter, Josiah Quincy, John Randolph, John Rea of Pennsylvania, Matthias Richards, Erastus Root, Adam Seybert, Samuel Shaw, Dan'l Sheffey, Dennis Smelt, John Smilie, John Smith, Samuel Smith, Richard Stanford, James Stephenson, Jacob Swoope, Samuel Taggart, Benjamin Tallmadge, John Taylor, John Thompson, Uri Tracy, Jabez Upham, Archibald Van Horn, Killian K. Van Rensselaer, Robert Weakley, Laban Wheaton, Ezekiel Whitman, James Wilson, and Robert Witherspoon.

NAYS—William Anderson, David Bard, Adam Boyd, Joseph Calhoun, John Clopton, Orchard Cook, James Cox, William Crawford, William Findley, Jonathan Fisk, Gideon Gardner, James Holland, Benjamin Howard, Walter Jones, Alexander McKim, Pleasant M. Miller, John Montgomery, Nicholas R. Moore, Gurdon S. Mumford, Roger Nelson, John Nicholson, John Porter, John Rhea of Tennessee, John Roane, Ebenezer Sage, Thomas Sammons, George Smith, Henry Southard, Charles Turner, jun., Robert Whitehill, and Richard Wiun.

The question was then stated on concurring in the second member of the resolution, which is as follows:

"And that the Naval Establishment of the United States ought to be reduced."

A motion was made by Mr. HALE to amend the said second member, by inserting, after the word "reduced," the following: "by selling such gunboats or crafts attached to it as may, in the opinion of the Secretary of the Navy, be unnecessary or incompetent to the service." And the question being taken on the said amendment, it was determined in the negative.

The question was taken on concurring in the said second member, and resolved in the affirmative—yeas 65, nays 46, as follows:

YEAS—Willis Alston, jr., Ezekiel Bacon, William W. Bibb, Daniel Blaisdell, James Breckenridge, William Butler, John Campbell, William Chamberlin, Epaphroditus Champion, Matthew Clay, Howell Cobb, James Cochran, John Davenport, junior, John Dawson, Joseph Desha, William Ely, James Emott, Meshack Franklin, David S. Garland, Thomas Gholson, Peterson Goodwyn, Thomas R. Gold, William Hale, Daniel Heister, James Holland, Jacob Hufty, Richard Jackson, jun., Richard M. Johnson, William Kennedy, Philip B. Key, Herman Knickerbacker, Joseph Lewis, jun., Aaron Lyle, Nathaniel Macon, Robert Marion, Vin-

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cent Matthews, Archibald McBryde, Samuel McKee, John Montgomery, Thomas Moore, Jeremiah Morrow, Jonathan O. Moseley, Joseph Pearson, Benjamin Pickman, junior, Timothy Pitkin, junior, Elisha R. Potter, John Randolph; John Rea of Pennsylvania, Matthias Richards, Adam Seybert, Samuel Shaw, Daniel Sheffey, Dennis Smelt, John Smilie, George Smith, John Smith, Samuel Smith, Richard Stanford, Jacob Swoope, Benjamin Tallmadge, John Taylor, Jabez Upham, Killian K. Van Rensselaer, Robert Weakley, and Laban Wheaton.

YAYS—William Anderson, David Bard, Burwell Bassett, Adam Boyd, William A. Burwell, Joseph Calhoun, John Clopton, Orchard Cook, James Cox, William Crawford, Samuel W. Dana, William Findley, Jonathan Fisk, Barzillai Gannett, Gideon Gardner, Nathaniel A. Haven, Benjamin Howard, Robert Jenkins, Edward St. Loë Livermore, John Love, Alexander McKim, Pleasant M. Miller, William Milnor, Nicholas R. Moore, Gurdon S. Mumford, Roger Nelson, John Nicholson, John Porter, Josiah Quincy, John Rhea of Tennessee, John Roane, Erastus Root, Ebenezer Sage, Thomas Sammons, Henry Southard, James Stephenson, Samuel Taggart, John Thompson, Uri Tracy, Charles Turner, junior, Archibald Van Horn, Robert Whitehill, Ezekiel Whitman, James Wilson, Richard Winn, and Robert Witherspoon.

And then the question was taken that the House do agree to the whole of the said resolution, and resolved in the affirmative—yeas 60, nays 31, as follows:

YEAS—Willis Alston, junior, Ezekiel Bacon, Daniel Blaisdell, James Breckenridge, William Butler, William Chamberlin, Epaphroditus Champion, Matthew Clay, James Cochran, John Davenport, junior, John Dawson, Joseph Desha, William Ely, James Emott, Meshack Franklin, Thomas Gholson, Peterson Goodwyn, Thomas R. Gold, William Hale, Nathaniel A. Haven, Daniel Hoister, Jacob Hufty, Richard Jackson, jun., Richard M. Johnson, William Kennedy, Philip B. Key, Herman Knickerbacker, Joseph Lewis, junior, Aaron Lyle, Nathaniel Macon, Robert Marion, Vincent Matthews, Archibald McBryde, Samuel McKee, Thomas Moore, Jeremiah Morrow, Jonathan O. Moseley, Joseph Pearson, Timothy Pitkin, junior, John Randolph, John Rea of Pennsylvania, Matthias Richards, Adam Seybert, Samuel Shaw, Daniel Sheffey, Dennis Smelt, John Smilie, John Smith, Samuel Smith, Richard Stanford, James Stephenson, Jacob Swoope, Benjamin Tallmadge, John Taylor, George M. Troup, Jabez Upham, Killian K. Van Rensselaer, Robert Weakley, Laban Wheaton, and Robert Witherspoon.

NAYS—William Anderson, David Bard, Burwell Bassett, Joseph Calhoun, John Clopton, Orchard Cook, James Cox, William Crawford, William Findley, Jonathan Fisk, Gideon Gardner, James Holland, Benjamin Howard, John Love, Alexander McKim, John Montgomery, Nicholas R. Moore, Gurdon S. Mumford, Roger Nelson, John Nicholson, John Porter, John Rhea of Tennessee, John Roane, Ebenezer Sage, Thomas Sammons, George Smith, John Thompson, Uri Tracy, Charles Turner, junior, Robert Whitehill, and James Wilson.

Ordered, That a bill, or bills, be brought in, pursuant to the first member of the said resolution; and that Mr. SMILIE, Mr. ROOT, Mr. LYON, Mr. STANFORD, and Mr. SHAW, do prepare and bring in the same.

Ordered, That a bill, or bills, be brought in, pursuant to the second member of the said resolution; and that Mr. RANDOLPH, Mr. CUTTS, Mr. TALLMADGE, Mr. THOMAS MOORE, and Mr. COBB, do prepare and bring in the same.

WEDNESDAY, April 18.

The House proceeded to consider the bill for the relief of Richard Tervin, Edwin Lewis, Samuel Mims, the Baptist Church at Salem Meeting House, in the Mississippi Territory, and Joseph Wilson; and, the same being amended, was ordered to lie on the table.

A message from the Senate informed the House that the Senate adhere to their amendments to the bill, entitled "An act to examine into the title to the batture in front of the suburb St. Mary."

Mr. GARLAND, from the committee appointed, on the twenty-sixth of February last, on the petition of sundry French inhabitants of the Michigan Territory, made a report thereon; which was read, and concurred in by the House.

The report is as follows:

That, although the measure prayed for might be attended with temporary advantage to the petitioners, this consideration is greatly outweighed by reasons of public policy operating against its adoption.

If Congress were to authorize the translation of the laws into the French language, they would thereby give to the translation a sanction which would entitle it to be received in the courts of that Territory as evidence of the laws of the land; and great inconvenience and confusion might result from having two separate texts for the same law, susceptible, as they necessarily are, from the imperfection of all languages, of different and perhaps opposite interpretations.

The policy of legalizing any other than the prevailing language of the country is also objectionable, on the ground that it would tend to encourage and perpetuate the other dialects which partially prevail in different parts of the Union, and which, it is believed, ought rather to be discouraged.

In a Republic, where the operations of Government are the result of the combined opinions of its citizens, it is important that the people at large should possess, not only enlightened, but similar views of the public interest; and it is not, therefore, of more consequence that information should be generally disseminated, than that the avenues to it should be common.

The committee, therefore, beg leave to offer the following resolution:

Resolved, That it is inexpedient to grant the prayer of the petitioners.

Mr. LOVE, after a number of remarks on the multiplicity of business relative to the District of Columbia now before Congress, and the difficulty of deciding correctly on laws for the government of the District, where bills on the subject were so cursorily examined as they must be when passed in this House, moved the following resolution: Such a system for the government of the territory as should be matured and recommended by these commissioners, he thought there would be no difficulty in adopting:

"*Resolved, by the Senate and House of Representatives of the United States*, That the President of the

United States be authorized and he is hereby authorized to appoint three persons, who, or any two of them, shall prepare such code of laws for the government of the District of Columbia, in addition and amendment to the laws at present in force in said District, as they shall find necessary and proper, and report the same to the next session of Congress for their consideration; and that the said commissioners shall be allowed the sum of six dollars per day while they shall be engaged in the said business, to be paid out of any moneys in the Treasury."

And on the question that the House do now consider the same, it was determined in the negative.

COMMERCIAL INTERCOURSE.

The House resolved itself into a Committee of the Whole on the bill [No. 2.] concerning commercial intercourse between the United States and Great Britain and France and their dependencies, and for other purposes.

Mr. GHOLSON's proposition to amend the bill by inserting into it a system of total non-importation from Great Britain and France was under consideration when the House last deliberated on this bill.

Mr. JOHNSON stated to the House an amendment which he had in view to make, and which he should offer when the amendment of Mr. GHOLSON should be decided on.

Mr. GHOLSON said he felt satisfied that the system which he had proposed was the best, but seeing a decided opposition to it, and with a view to accommodate his friends with an opportunity of moving amendments, he withdrew his motion, reserving to himself the right of urging it again if the amendment proposed by the gentleman from Kentucky should not be agreed to.

Mr. JOHNSON then moved to strike out the first section of the bill, and insert the following sections as an amendment to the bill:

"*And be it further enacted*, That the two first sections of the act, entitled "An act to interdict the commercial intercourse between the United States and Great Britain and France and their dependencies, and for other purposes," be, and the same are hereby revived, and shall, from the passage of this act, have full force and effect.

"*And be it further enacted*, That, from and after the passage of this act, an addition of fifty per centum shall be made to the duties now imposed by law on the importation of goods, wares, and merchandise, in respect to all goods, wares, and merchandise, the growth, produce, or manufacture, of any of the dominions, colonies, or dependencies, of either Great Britain or France, or imported from any of the said dominions, colonies, or dependencies; which additional duties shall be levied and collected in the same manner and under the same regulations and allowance, as to drawbacks, mode of security, and time of payment, respectively, as are already prescribed by law in relation to the duties now in force on the importation of goods, wares, and merchandise."

Mr. RANDOLPH observed that when the House were last in Committee on the bill, the Committee had risen to give time for consideration of an amendment proposed by the gentleman from Vir-

ginia (Mr. GHOLSON.) That amendment was now withdrawn, and another substituted, which he for one could not understand. As he really believed, he said, that if the House meant to spend unprofitably the remainder of the session, they could hit on no mode more apt than continuing in Committee on this subject, he moved that the Committee should rise.

Messrs. JOHNSON and GHOLSON opposed the motion; which was lost, 58 to 36.

Mr. RANDOLPH questioned whether Mr. GHOLSON had a right, after his amendment had been ordered to be printed, and thus acted on by the House, to withdraw it; but the Chairman overruled the objection.

Mr. GARLAND again moved that the Committee rise.

This motion was supported by himself and Mr. MILNOR, on the ground that the additional duty proposed was such as would destroy all the fair trade of the country; that it was impossible to distinguish between British and French and other foreign fabrics; that the very object of revenue would be defeated by smuggling and by the diminution of importations. The amendment they said was of great importance, and they could not completely understand it.

The motion for the Committee to rise was negatived, ayes 34.

Mr. PRTKIN said if gentlemen had not reflected maturely on this subject, he hoped they would before they undertook to pass a law which he believed would go to the entire destruction of the revenue by the introduction of additional duties, which would make the 15 per cent. duty hereafter 22½, that of 22½ hereafter 33½, and all the specific duties one half greater. It would be an immense addition—and what would be the consequence? We shall have no goods imported which shall be called goods of England and France, but of Denmark and Russia. You cannot prevent it. The immense premium held out to smuggling will be such that it will be impossible to prevent it. When a man, by the introduction of one hundred thousand dollars worth of goods in such a manner as to evade the duty, can make thirty-three or thirty-four thousand dollars, he will mostly yield to the temptation. I beg leave to say that the duties cannot be collected. Gentlemen may talk as they please; but the moment you introduce additional duties on articles of this description, they will be smuggled in under other names. I ask gentlemen, therefore, before they decide on a measure of this kind, to reflect on the subject and see what will be the inevitable consequence.

Another important question also occurs. Who is to decide what is a dependency of France or Great Britain?—for the amendment extends the duty to goods imported from their colonies or dependencies. I ask gentlemen to tell me what are dependencies, and what are not? I would ask whether Holland is not a dependency of France? Whether goods from Holland would be charged with the additional duties or not? Whether Prussia is a dependency of France? What is to

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decide in these cases? If we are to believe the late accounts, Holland is completely a dependency and King Louis is called home. After what has taken place, Holland cannot be considered but as a dependency of France. You are to introduce into your revenue system questions of this nature; you leave it to be decided by the Secretary of the Treasury, or by the custom-house officers, how far Bonaparte has extended his dominions and power over the continent of Europe. I should be very sorry indeed to see this kind of system introduced into our revenue laws; I should be sorry to see a system of smuggling introduced among our merchants; but I foresee, if bills of this description are to pass, that it is inevitable; and, instead of getting an addition to the Treasury in consequence of these measures, we shall deprive it of resources it would otherwise have from the present duties.

Again, sir—How long these duties are to exist, when they are to end, is to depend on the proclamation of the President. In what situation do you place the merchants of the United States? You place them in the power of the President of the United States in a great degree, by the great discretionary power you give him. I am opposed to giving him this power. How can the merchant calculate when a duty may be taken off? How can he tell whether he will receive again the money he is required to pay for additional duties? Because three months after the duty is laid the President may say it shall cease. After paying the duty, then, the merchant will not be able to get it back from the consumer. You place your merchant in that situation that in fact you compel him to smuggle in his own defence. When he is not certain what will be done, he will smuggle rather than lose his whole fortune. This is an inconvenience, and any person who has attended at all to the system of revenue knows that the duties of this description ought to be permanent. The merchant ought to know with certainty his prospect, and not to depend on the whim or caprice of any individual. These additional duties are much greater than the whole duties which were laid at the commencement of the Government. I ask gentlemen to reflect on the subject. In my opinion it will go to destroy your revenue almost entirely. For two or three years your merchants have been afflicted with your restrictive system of embargo and non-intercourse. They have got into habits of smuggling. I am sorry for it, very sorry indeed.—Under the proposed system they will not know what to do, whether to import or not.

I have thought proper to make these observations in the outset of the business, to call the attention of gentlemen to the operation of duties which they are about to introduce. I might suggest other considerations, such as the probability of retaliation. If we single out these nations, they will doubtless return the compliment. It will place the revenue we now have at great hazard, and may have a bad effect on the relations between France and Great Britain. I hope this system will not take place. I hope we shall

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not establish thus off-hand a system, the consequence of which it is impossible to tell, but of which I have much fear.

Mr. LOVE said, he had as little anticipated such a proposition as the gentleman from Connecticut (Mr. PERKIN); yet he thought it by no means novel in principle, or difficult to be understood. It was, in fact, nothing more than the very proposition which had been ably advocated in the House, at the second session of the tenth Congress, and which gave way to the non-intercourse system, then thought most eligible. He could not help presuming the gentleman had recollected some of the arguments urged on the subject at that time, from the range of his ideas at present. Although he, at that time, thought the non-intercourse a better substitute for the policy that a majority of the House had abandoned, he could not but view the measure of additional duties as peculiarly proper at the present moment, not only as the non-intercourse was about, either tacitly or expressly, to be relinquished, but the state of our foreign relations, if he could credit the uniform accounts of late, would strongly enforce it as a measure of defensive policy.

Great Britain had lately, it appeared, declared Spain in a state of blockade, a very certain evidence that that country was totally reduced by the French arms. The Emperor of France had determined, if we could accredit the official publication of the French Minister of Foreign Relations, to exclude, at the point of the bayonet, all access from England, and the introduction of any species of British manufactures into the Continent. Her exportations to the Spanish or Portuguese dominions in America, could be but to a small amount, and of a partial and less important description. The United States was the only country left where the great bulk of her manufactures could be sent. To the United States, he did not doubt, her exportations would exceed perhaps double the amount of any former period. It was highly necessary to adopt some preventive remedy, if possible, to this great evil. An increase of duties offered that remedy to a certain degree, by discouraging importations and diminishing consumption in this country—an effect that would be produced by an enhanced price; but if, by continuing the duties at their present rates, consumption of those articles was not discouraged, our situation would be deplorable; our importations increased to at least double their former amount, and our exports of not half their former value; for that consequence would follow from an unrestricted commerce on our part, while the orders and decrees of France or England continued in force; while our exports were inhibited from the markets where they could be consumed, and that market, to the amount of an average value of about five-sevenths of all our products, could only be found in the countries hostile to England. Under the operation of this course of trade, in a very short time, the most ruinous consequences would follow. To pay for these overgrown importations, we should be drained of our most solid wealth; for our surplus products would

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not sell for their freights to England, and she, under her orders of November, 1807, prohibits them from going to the Continent. To the Continent direct they cannot go, insurance could not be obtained at any rate of premium less than 100 per cent., and a circuitous introduction of them is no longer to be permitted by France, it appears, from late accounts.

Mr. L. said, he would make a few remarks in reply to the gentleman who had just sat down (Mr. PITKIN.) He had said that our revenue would be destroyed by an increase of duties on British goods, because they would be imported as the goods of other countries. Admitting that they were so imported, we should, said Mr. L., still get the present rates; but he did not believe the difference of duties would pay the costs, to say nothing of the risk, of such a course of smuggling. A difficulty was made as to what should be called the dependencies of France. Mr. L. said it was a difficulty which Congress could not remove; it had been heretofore left to the Executive, and properly, to judge of the real state of foreign nations, and, from the knowledge he had, to decide which was an independent sovereignty and what was a dependency. It was a duty and a trust which the Constitution confided to him, and which he believed he had judiciously exercised. Holland, he was ready to admit, was now a dependency of France. He could only express it as his opinion; and, for his part, he thought the Congress of the United States need as little officially to do with this inquiry as they would to know who was to be the next wife of Bonaparte. It was for the Executive of this country to learn, and to act on the state of foreign authorities, so far as respects their capacity to act independently, or their subjection to other powers.

The gentleman had next alarmed the House with apprehensions of retaliation from the European Powers. For his part, Mr. L. said, he would not deign to ask himself whether this would be the case. The more proper inquiry is, are we the aggressors? Have we not, from 1807, (and he might go many years further back,) been laboring under an unprecedented system of most tyrannical oppression and outrage from foreign nations? And shall we now refuse to do a necessary and proper act because we may offend those who have been heaping offence and injury on us? He thought we could fear no worse than the total destruction of our neutral rights, which we already suffered, and he hoped that no such apprehensions would deter us from doing that which, as an independent people, as a nation pretending to have a will of its own, we had a right to do.

Mr. SEYBERT.—Mr. Chairman, although I am well convinced that a detention of the House, at this moment, cannot meet the wishes of its members, a consciousness of a call to perform my duty imperiously impels me to solicit your indulgence for a short time. My want of experience as a public speaker gives rise to embarrassment, and my difficulties are increased by a circumstance which has been so properly noticed a few days since by a gentleman from Virginia (Mr.

RANDOLPH.) I allude to his observations on the manner of conducting the business of this House. No one can know the day before what subject will be taken up. This mode is alone adapted to gentlemen who are orators by profession, and to such whose minds might be compared to store-houses overstocked with every species of information.

My observations, from the hasty manner of arranging them, will want much of that system and method which the importance of the subject merits. They will be related as they have occurred to me.

One of the amendments offered for our consideration proposes to lay an additional duty of 50 per cent. on French and British goods imported into this country. To this proposition I shall assent, because the object contemplated appears to be essentially necessary to the purposes of the Government in defraying the ordinary expenditures. At the same time, I will not conceal, that the principle receives my support also, upon the ground of its being a means whereby our infant manufactories will be fostered and promoted. I regret very much, that so much opposition to this branch of industry has been exhibited on this floor; the nation anticipated a very different result. I still persuade myself that this arises from a partial view of the subject; and again regret, that this is not the time to enter so fully into its general consideration as would be advantageous to those who are more immediately interested.

At an early period of this session, I was indulged in my motion to reprint the report of a former Secretary of the Treasury on the subject of a manufacturing system to be established in the United States. The policy and expediency of these establishments are clearly demonstrated by that report, and the twenty years which have elapsed since it was made, have confirmed the deductions and conclusions of the author to the utmost extent—for information on these points, I beg leave to refer you to that report. If we were in possession of a report, which I am informed will soon be laid before us in obedience to a call from this House, made at the last session, we should have facts sufficient to convince us of the present importance and extent of the manufactories of the United States, in consequence of the immense capital which has been already invested, by reason of the many persons who are employed, and on account of the numerous establishments which have been erected throughout the United States. We should there find proofs, that we now manufacture to the enormous amount of \$120,000,000. If time had been allowed me, I should have traced the great and regular increase of the manufacturing interest in our country for the last twenty years; by this, we would have been informed, that we have ceased to import many of the articles which are abundantly consumed in our country, because we can manufacture them better and cheaper than they can be had from abroad; that others are gradually lessening in the quantities which are imported, and that, contrary to the expectations of the most

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sanguine supporters of this system of industry, many have become articles of exportation, which were formerly derived from foreign nations. Can any one pretend that an interest, which already exists in your country to the enormous amount above stated, and which is daily increasing, is unworthy the protection of the Government of a free and enterprising people? You have lavished, and continue to lavish, many millions annually upon a rotten and inefficient naval establishment. It may not be out of place to call your attention to the maxim of the great Frederick, King of Prussia, when he asserted that, unless a nation has a hundred ships of the line and a hundred thousand sailors, it ought not to expose itself on the ocean. You have established discriminating duties in favor of your shipping interest; you have instituted a system of drawbacks in favor of your merchants; and this amounts to a bounty for their encouragement; for the maintenance of your neglected commercial rights, you annually incur an enormous expense, to keep up your diplomatic intercourse with foreign nations; you pay tribute to barbarians in support of your foreign commerce; nay, for this same commerce, you risk the peace, honor, and independence of the nation, and, at the same time, refuse a justifiable aid to another class of your fellow-citizens, who are equally deserving your notice and fostering care. In Republics, no one class of citizens should be protected in preference to any other; upon this ground, our manufacturers have a claim in common with those who have embarked in commercial pursuits. I am no enemy to commerce, though I regard it as far less necessary to national independence than I do a well regulated manufacturing system. Commerce can only be the result of a surplus of articles, arising from agriculture and manufactures; it is dependent on one, or other, or both—we do not include that species of commerce strictly called the *carrying trade*; this is too precarious, and depends too much upon the caprice and power of other nations to become an object of fixed concern; it only lasts while others please to permit it, and, for its maintenance, you are continually endangering the peace of the nation. It is well to remember, that the commercial spirit of Holland became so prevalent as to lead to a neglect of that most useful of the arts, agriculture. Be cautious, lest our thirst for trade shall lead to our subjugation, and to a state of national servitude; we seem to have made some strides this way already. The manufacturing system, which it would be advisable to adopt in the United States, is based upon a very different principle from that which leads to it in the European States. We should manufacture to secure our independence; while abroad they manufacture because they are dependents. Constant experience demonstrates, that the strength or power of a State does not depend so much upon a numerous population as it does upon a population properly employed, so as to supply its wants, both natural and artificial; therefore every member of the society should be occupied according to his age, strength, and capacity.

The spirit of a people, in every great effort of the State, should be strictly attended to; changes are readily brought about in States when they coincide with the national spirit; when contrary to it, little good arises from a forced state of things. At the present time, the spirit and tendency of this nation is in favor of manufactures. This may not always be the case; it therefore becomes a question of moment, should we not take advantage of the present temper and disposition of the people? We should adopt such branches as will promote the agriculture of our country. It has been emphatically observed, that agriculture and manufactures are twin sisters, and they are considered as the only true basis on which the independence of a country can rest. We should establish such branches as do not require a call upon the population of our country. Those are best adapted to our situation which are principally carried on by the agency of labor-saving machinery. I do not wish the Government to create manufactories; they should protect such of them as seem requisite from the peculiarity of the times in which we live, and such as are consistent with the nature of our climate, soil, habits, and the necessities of the people; our attention should be bestowed upon objects which will benefit the nation at large. We should only attend to the useful; the ornamental must be referred to time and the disposition of the people. Removed from a state of nature, we have acquired habits, which make certain articles essentially necessary to our well-being; and many are blended intimately with our national existence. We should not look to the supplying a foreign market for centuries to come.

If we could calculate upon a constant and a free commerce, and a want of our agricultural productions in Europe, we might, perhaps, adopt less zeal, in the promotion of our manufactories; recent circumstances demonstrate to us the fallacy of such doctrines; a powerful rival nation has urged as a principle, "we have the power to act, and we will use it." Such language, uttered to the world, should put us on our guard.

In most situations in our country, there is a sufficient number of persons who are too young, or too old, for laborious employments; they go idle, but might, without any prejudice to agriculture or commerce, be well employed in our manufactories. Indeed, they appear to be the only places suited to their peculiar condition. Thus would our poor rates and list of paupers be lessened. Thanks be to Heaven, we do not know of mendicity as a trade in our country. I am apprized of an objection which has been made, that it is impolitic in a free nation to place its youth in situations but ill-adapted to the improvement of morals, or, for that of an education, which every citizen should acquire. I lament the force of these objections; but let me ask, is the situation of the individuals more beneficial to themselves or to the nation, if they are continued in their idle habits? Every state of society is sufficiently depraved; no anxiety has been expressed for the morals of your soldiery and seamen; look

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to your records and documents, and you will there find but too many proofs of the depravities of human nature, and in a part of the community from whom much better conduct was expected. No one has ever made this an objection to a commercial system, where most assuredly it applies with at least an equal force. The want of education might be obviated by introducing method into the system to be established; the children might be placed for a limited time, and during their apprenticeship, it might be made a condition, as it is in other cases, that they shall be taught sometimes at school.

It is further attempted to deter us from these establishments by a picture of misery and distress which has been portrayed by a painter of suspicious merit. I allude to the performance of Mr. Southey, better known by the title of *Esprilla's Letters*. This author gives us an extravagant account of what he pretends to have seen on a visit to Birmingham. He asserts, that in the workshops he saw artificers whose "eyes were red, and whose hair was green." Here, conformably with his character of a poet, he has taken great liberties. I regret that, in this respect, as is usual with the profession, he did not confine himself to style alone. Such extravagance can only be viewed as the reveries of a disordered imagination; he furnishes no particular facts whereon they can be grounded. I will admit that many of the pursuits of artificers are noxious and injurious to those who are employed in various occupations connected with the workers in metal. Most of the bad consequences may be guarded against by proper care and attention to cleanliness; for they are more the effects of personal neglect than the inevitable results of the occupation with which they seem to have connexion. I should not be at all surprised if Mr. Southey, who is well known to be attached to the interests of his country, conceived it proper, from motives of policy, to make the above statement, with the view to prevent other nations from competing with the manufacturers of England in foreign markets. He is equally opposed to cotton manufactures as he is to those from the metals. To this authority, bad as it is in my estimation, I will oppose that of Doctor Ferriar, whose extensive experience and accurate observation entitle him to our fullest confidence. His details are the results of many years attentive observation. He informs us that the injury which is sustained by children, who work in cotton mills, is the consequence of their working during the night; he remarks, "there is no hazard incurred by their working during the day, in clean, well-managed, cotton mills." He attributes no bad effects to anything specifically noxious in the raw material, or the exercise of the art. Debaucheries and intemperance are linked with some orders of society, whether they are manufacturers or not; their bad condition may be attributed to the want of prudence and their want of virtue wherever they exist. No doubt the system deserves attention, and might be advantageously modified. If, from experience, it should be found beneficial to the

working people to suspend their labors, an additional number of hands might be employed to supply the place of those who were receiving instruction or taking bodily exercise. Our country is only on the eve of commencing these pursuits. All proper rules may be adopted at the start, and prudence will dictate the propriety of their continuance.

I shall pay no attention to the clamor which is raised against the supposed high price of labor in our country. Experience has taught me that it is unfounded, and that very little difference exists here as to the price paid for labor, and that of the same kind in England.

A statement of facts can be made to prove, that the declarations of those who insist that we cannot compete with the manufacturers of Europe, in consequence of the higher price paid for labor in our country, are unfounded. When they speak of the price of labor in Europe they allude to times long since past, and take the time present in America. Intelligent workmen who have come from Great Britain, assert, that from four to six shillings sterling can be earned per day abroad, when for work of the same kind they at most obtain one dollar per day in this country.

View the case in a proper light, and conviction will stare you in the face. Those situations where living is cheap are always selected for the establishment of manufactories on a large scale. In Kentucky they pay fifty cents per bushel for wheat, in England they pay two dollars per bushel; beef in Kentucky is bought at two dollars and a half per cwt.; in England it is sold at one shilling per pound. Those articles may be considered as establishing the price of living in the two countries. I entreat you to view it attentively. I presume no one will pretend that the muscular strength of our countrymen is not equal to that of the European. With these advantages we go to work in situations, where the necessary raw materials are the growth of the soil—where you need no imported articles for your operations. If our citizens would only take the pains to investigate the subject, they might readily prove to their satisfaction that they can manufacture for themselves, nay, will perceive it demonstrated as certainly as that twice two make four, that the articles, after skill and experience shall be had, could be manufactured at a rate so cheap, as to warrant a profit on their exportation to Europe, even should all the processes be effected by manual labor. Let me ask, then, what would be the result from the employment of machinery for the same purposes? Why should we continue to furnish foreigners with the raw material of our country for their manufacturing establishments, when we are well apprized of the low price which these raw materials command, compared with the prices which are paid for the articles which are manufactured therefrom? In many instances this is inconceivably great; it might be exemplified by the cost of cotton wool, compared with the prices paid for the finest cotton yarn, or the finely wove cotton fabrics. Cotton yarn, by means of machinery, has been spun so fine as to command

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several guineas per pound. The balance spring of a good watch is said to be worth more than a million times the value of the steel of which it is made. Many ships are required to convey the raw materials to England, when a single one is more than sufficient to reconvey to us the articles which have been manufactured therefrom. The vessels which were dispatched to Europe must quit England and seek a return freight elsewhere, they often proceed to Russia, or they are charged with slate or other articles which cannot engage the industry of the people, and in which our country abounds. Why should we make this great sacrifice? It will be answered, we need the necessary population. I do not yield to the remark; we have people enough for the purpose, and most of the processes may be carried on by the agency of machinery. We should employ machines on all occasions—they save manual labor, in many instances, in a ratio of more than forty to one. This is more especially true as respects the cotton business. Machinery has, in many cases, diminished the prices of articles more than one hundred per cent. That country must be dependent, indeed, which must dread the introduction of machinery for the purposes of the arts and manufactures, or to spare manual labor. Great Britain is not entirely free from this imputation—she does not establish saw mills in her numerous dockyards, for fear of excluding thousands from employment.

Lord Sheffield has remarked that raw materials are more precious to Great Britain than gold itself—without a supply of them, whereon to employ the industry of her people, she could not keep up her expensive naval force, and by means of this engine does she extend her system of oppression over a great portion of the habitable world, to the great annoyance of other nations. Cut her off from these supplies, and do not receive her manufactured articles—you will then bring her to a true sense of duty and justice. Can it be the policy of this country to continue this oppressive system, which acts so powerfully against itself, when by her own acts she is instrumental in furnishing the means of its existence, especially when it must be evident that our own people might turn the whole to their advantage and profit without the risk of transportation?

Many complain of the high prices which will be demanded for American manufactures, if you exclude the foreign. I will allow that this will be the case for a short time—as our establishments are multiplied, so will the articles be made better and at a cheaper rate. When cotton mills were first erected in our country, it was not supposed that cotton yarn could ever be exported from the United States to Europe, so as to yield a profit—this has been done—nor could any one imagine that certain cotton fabrics would be made better and cheaper than could be furnished from abroad. This is the fact as respects bedticks and other cotton goods. If our breed of sheep was sufficiently attended to and encouraged, the statements of Dering and Babcock, which are published in our newspapers, give us reason to believe

that the same would be the case with woollen manufactures—unless protected for a time, it is not to be supposed that our manufacturers can compete with the enormous capital which foreigners can command, especially when connected with their skill and experience. Foreigners do all they can to destroy our infant establishments. They conspire and sell their articles at a loss for a time in our markets—when they have obtained their object by putting a stop to our efforts, they raise their prices and furnish us with articles of an inferior quality. They do not stop here, but resort to a system of deception, which could hardly be imagined. As soon as our establishments furnished our markets with a supply of excellent fabrics, the agents of foreign manufactures procured patterns of such as were most esteemed. These they, with every possible haste, dispatched to Europe, in order to have imitations as to appearance; but very inferior in quality—they were afterwards sold as American fabrics at reduced prices, and thus did they injure the character which these articles formerly bore in our markets. This would lead us to the propriety of stamping our goods, and the putting on of false stamps should be made a subject of criminal prosecution.

I regret that in this House there should be a difference of sentiment, entertained by gentlemen, who come from different districts of the Union; those from the South are opposed to laying additional duties on imported articles, because, they say, their operation is partial and oppressive to them; they add, they do not possess the capital and the requisite population to establish manufactures; and complain, that in this respect the Northern States have the advantage. In my opinion the statement is not conclusive; the duties are laid in the North as well as in the South, and those persons who prefer foreign articles, must in common pay the duty thereon. Suppose that the Northern people should manufacture and sell to the Southern; by the consequences of an increased number of the establishments in our country, the home articles will in a short time be as cheap, if not cheaper, than they can now be imported. The inconvenience to the planter, if any should exist, will be temporary, while he will always, from the nature of things, possess the advantage of supplying his Northern countrymen with the raw materials, if he should not choose to manufacture for himself. I cannot believe that these gentlemen suppose it advantageous to the State, that they should only export their cotton wool, and thus tax the Northern people with the great increase of price on the returned articles, when they are in a situation to furnish themselves, and save all this increase for their benefit and that of the nation. I do not think that we should too closely view our immediate local interests, when we are to legislate on great national questions. The general benefit should also be regarded. As respects the case now before us, I believe, if properly viewed, it will prove beneficial to all the country.

If it shall be finally determined, not to foster our infant establishments, by aid and protection

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from the Government, I derive some consolation in the distresses of our country, induced by foreign oppression and the restrictions on our commerce, that, in spite of their efforts and wishes, our manufactories have progressed, so as to bid fair that they will be continued. I will proceed to close my remarks, with a few observations on the propriety of protection being granted to the manufacturing community. I favor the system, because, those who are the most competent to judge declare that protection from the Government is absolutely necessary in many instances; it is a mode, which all foreign nations have adopted, and they have been confirmed in the propriety of the measure by the benefits which have resulted from the practice. Great Britain, France, Russia, and Prussia, may be quoted, in confirmation of this proposition. On the part of our Government, the American artists have been repeatedly led to suppose they would be protected; the principle is consistent with the precepts of the Constitution of the United States. I do not by any means desire that the protection should be such as would be oppressive to others not connected with this interest. It is difficult to point out the precise limit, because, many calculations and much knowledge are necessary to ascertain this. I do not mean to advocate the absolute necessity of protection, because without it the branches suitable to our country cannot be attempted. Far be this from me. The great object which I have in view is, that by this means many will be induced to embark, who will ultimately be convinced of their former erroneous opinions. I am perfectly willing that our protecting measures should continue only for a reasonable time, so that there may be some stability in the system, to enable it to compete perfectly against foreigners. I should prefer a discrimination of the articles on which those duties are to be laid. Many reasons might be offered in support of this opinion; they are too evident to be repeated.

Our manufacturing establishments must be regarded as so many infants, who need a mother's care to bring them to maturity; they then will be the most certain guarantees of our liberty. Our country, and all well regulated Republics, are peculiarly adapted to a judicious manufacturing system. These establishments will not thrive in situations where slavery is permitted; they are pursuits which require the exercise of the mind to bring them to perfection, and it is well ascertained, that slaves do not reflect; the arts are alone congenial to the genius and disposition of freemen. The doctrine which I have ventured to advance, as it respects our country, is supported by the immense stock of raw materials, which are the produce of our soil; by our numerous water-falls and water communications; by our enormous beds of coal, and it is remarkable that our coal formations are most abundant in those situations where the agency of water as a power cannot be employed; this will lead to the construction of steam engines, and we are finally confirmed in the doctrine, by the iron, which is superabundant in every district. Let me remind

you, that I do not wish to convert this people into a nation of manufacturers. My object is to introduce that system which will confirm our independence; that which will make us respected abroad; by it our agriculture will be promoted; the genius of the people will be brought into operation; our native productions and the immense internal resources of this extensive territory will be thereby made known to us; the Government will derive incalculable advantages from this information, and every individual of the nation will be made happy, respected, and independent.

Mr. LYON.—Mr. Speaker: Although the very correct, methodical, and well digested speech just delivered by the gentleman from Pennsylvania (Mr. SEYBERT) has better occupied the ground I intended to have taken than I should have done, I cannot refrain saying something in favor of encouraging the manufactures of this country when the subject is on the carpet. Although I do not wish to lay an additional duty on medicine, on low priced wines, on tea, coffee, sugar, and spice, and many other articles the importation of which has nothing to do with the encouragement of manufactures, I am willing to go as far as any member of this House in laying duties on articles we can manufacture here; because I know, whatever may be paid for the articles manufactured here, more than for imported articles of the same use, will be a sacrifice for the nation's good. This sacrifice will be a mere trifle, of but short duration, a mere bugbear. It is found that with regard to several articles of manufacture the difficulties thrown in the way by the great capital of those who supply us with foreign manufactures is already overcome, and the American manufacturer needs no extra duties to protect him. When we have continued our duties long enough to enable our manufacturer to withstand the strong current against him, occasioned by the credit given by foreign capitalists, if the competition for sale among the American manufacturers does not bring the articles to a proper level with regard to price we can lower or take off the duties. The freight and insurance of raw materials exported from this country; the duty on the raw material at its destination; the profit of the exporter and importer of the raw material, as well as the profits of all the intermediate persons through whose hands the material and the article passes until the article reaches the port for exportation; the carriage on the raw material to the place of manufacturing and of the article to the place of exportation; then the freight; the export duties; the insurance; the profit of the exporter and importer in this country—are in the nature of things a bounty to the American manufacturer, which cannot fail after he is fairly set on his legs to be ample encouragement; so that whatever we may do to encourage the American manufacture, if it should be a disadvantage to a part of the community, need be of no long duration. All that is wanted is for a while to meet the operation of the advantage the foreign manufacturer and exporter has by the superiority of capital, and by being able, by the use of money at five per cent., for which

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he gets six here, to give an unlimited credit. All that kind of logic laid down in books written by men who could form no idea of the geography, climate, soil, and productions of this country, the genius, habits, ways, and wants of our people, is mere nonsense. Too many of their readers endeavor to draw similar conclusions from premises as different as the moon is from the sun. Britain exports the value of one hundred millions of our money a year. The friends of American manufactures wish at most to encourage the manufacturing in this country, over and above what is now done in a domestic way, one-fifth as much as is manufactured in Great Britain and Ireland for their home consumption only. I am for enriching the nation by the produce of the forest and the sea—by agriculture—by commerce—and I know that manufactures may be made a source of independence, of wealth, and of comfort. To convince my opponents of the absurdity of their theory, I will contend against the strong assertion of my friend from North Carolina (Mr. KENNEDY) that we have poor people enough in this country "sufficiently degraded" to carry on all the manufactures we want. I will venture to use the word slaves, a word which too often sets the House on fire. No country can boast of a more abject, degraded set of people than this, nor a class more fitted to do all the drudgery of manufactures than our blacks. We have a million and a half of them, their subsistence does not cost their owners one-fifth as much as an equal number of the most miserable manufacturers and their families in the British isles cost themselves or their masters. Without intending any reflection on slaveholders—for I have the dishonor, as some may justly think it, and the honor, as some others consider it, of being a slaveholder myself—I must be allowed to pursue this subject in my own plain way; and if I show the fallacy of the position so firmly relied on by my friend from North Carolina (Mr. KENNEDY) I shall do away another great objection to the Government's encouraging manufactures, namely, that the agricultural people of the South are to be taxed for the benefit of the manufacturing people of the North.

What can there be in the nature of things to prevent the employment of a small share of the grown slaves, and a great share of the growing ones, in manufactures? Those properly educated and managed would not only produce a sufficiency for the Southern and Western States, of hemp and cotton, but they would be able to supply the Northern States with those articles in return for their manufactures, to that degree that the balance of trade between the different parts of the nation will be very immaterial. I say, sir, there is nothing but pride, a perverse bias, prejudice, apathy, and indolence, to prevent the great good which the manufacturing system, on a moderate scale, would do this nation, and more particularly the Southern and Western part of it. It cannot be asserted in the face of experience that the black people in this country are by nature incapable of being taught to spin and weave, and to do the ordinary business of manufacturing

hemp and cotton. The labor and the manufacture of cordage, and hempen cloth, which is now very considerable in the Western country, and carried on to advantage, is wholly done by black people. If I am rightly informed, paper-making is carried on wholly by black people, in some of the States. The making of iron is in many places wholly carried on by black people. I have seen an iron furnace in blast within a short distance from this place, where everything was in the best order, all carried on to the best advantage, and wholly by blacks. That the African race are capable by nature of becoming useful hands in factories, where almost all our necessities may be made, there can be no doubt. I know some who are good blacksmiths, nailers, masons, tailors, shoemakers, carpenters, joiners, ropemakers, weavers, and tanners; and why is it that they may not be made to answer every purpose in manufacturing? I know not. Suppose one-eighth of the grown slaves from six years old to sixteen, in this nation; were to be devoted to manufactures—agriculture would scarcely feel the loss; for the negroes between six and sixteen, save those that are employed in and about their masters and overseers' houses, are of little or no use. They are not counted on until they are old enough to put into the crops (as the expression is.) It cannot be said, as it may be of white children, that they are wanted to go to school. No, sir, our policy forbids giving education to slaves, as by enlarging the mind their condition would be less tolerable. Well, sir, this trifling diminution in agricultural pursuits would give at least one hundred and eighty thousand hands to manufactures—cheaper fed, cheaper clothed, and easier paid than any such a number of manufacturers on earth; and it cannot be said, sir, that it would cost more to oversee those hands in their labor than it now does. Once taught their duty, there would be less cost in overseeing them, as, they being drawn into a narrow space to do their labor, the overseer could have more of them at one time under his eye. This might have a tendency also to ameliorate the condition of the slave by inducing the master in many instances to become the overseer himself, and, by realizing in his view the value of his slave, he would incline to dispense with the cruelty of the overseer.

I think we may calculate that each of those manufacturers would from our own raw material produce at least one hundred dollars' worth of goods. This would amount to the immense sum of \$18,000,000, the bulk of which they would be ready to change with their Northern and Eastern neighbors for their manufactures, or to export; and the gentleman from Pennsylvania tells you that cotton yarn has already been exported to profit. How muchsoever I am opposed to increasing the duties indiscriminately, and however much I dislike the other provisions of the bill under consideration, I hope that I may in some subsequent stage of the discussion come at my object in a way more to my mind. I shall not give a vote that would, by striking out the section, destroy that opportunity. I will vote for the fifty

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per cent. increase of duty, reserving to myself the right of voting against the bill, if it should not before its passage approach nearer to my mind than it now does.

Mr. LIVERMORE said he had not entertained an idea that at this period of the session it would have been endeavored to enforce the non-intercourse, or bring it forward in a different garb. This amendment, said he, is a non-intercourse in a new shape. To be sure, it is not intended to be so ample as the other; we are allowed to send vessels to Great Britain and France, if indeed any person would send a vessel to the latter place, which he knows will not return again. In return for our produce sent to any part of the globe, we do not bring money, but articles in exchange. The question is, can these articles be brought back under the operation of this law? These articles are already duties so high, that they will not bear the addition, which, although it do not double the duties, is so high that I will venture to say very little of them will find their way into the United States, in the regular course of business. What will be the operation of the law? It will introduce a system of smuggling which cannot be guarded against. It is unnecessary to repeat all the arguments against such a system. They must be fresh in gentlemen's minds. It seems to me that the attempt to introduce this system now is like a drowning man catching at straws; it proceeds from that pride of opinion which will not permit gentlemen to give up a system acknowledged to be injurious. They must have a substitute. I was in hopes, sir, that the torpedo experiment would have satisfied them, but now I perceive this fifty per cent. duty is the project. The gentleman from Pennsylvania (Mr. SEYBERT) has made a learned and elegant speech on the propriety of fostering manufactures. The answer to this speech has been anticipated. If the manufacture of any article be not fostered by the present duty, it follows, of course, that it would not be beneficial to the country that that article should be manufactured. If the duty at present in existence, be not encouragement enough, the time and capital of our citizens should be employed to other purposes than manufacturing. I do not sit here to give a bounty to a particular city. We know that the city of Philadelphia is a great manufacturing city, and that a great proportion of its inhabitants are manufacturers. No doubt, therefore, the gentleman is interested in the promotion of the manufacturing interest. Whatever is reasonable for that purpose, I would agree to; but it is unreasonable to ask burdens to be laid on different parts of the community to assist those employed in manufactures. If the bounty already given by the duties on imported goods be not sufficient, it follows that labor and capital would be better employed in agricultural pursuits.

An intention is avowed to have something to operate as a coercive measure on Great Britain or France, the operation of which, whenever they revoke their edicts, is to cease. If we can do anything to induce one nation to give up, and to

operate to the punishment of the other, it is not in this way. If we are to wage any kind of warfare, it must be a different kind from this. If the law may be evaded, what benefit is to be derived from it? Goods the growth or manufacture of Great Britain or France may be imported so as to pass under the denomination of the products of other countries. There is nothing in this system which would operate (to use the language of banking gentlemen) as a bonus to the belligerents to rescind their orders. In the exclusion of their armed vessels, there is nothing coercive to either nation, certainly not to England, who has such valuable harbors for her vessels in the Northern provinces. It is possible it might have some operation on France; but as France has lost her colonies, there is no fear of her sending vessels to these seas. To take off the interdiction of their armed vessels, therefore, would not operate as an inducement to either to revoke its edicts. This measure, then, without operating on our enemies, will only be a counterpart of the embargo and non-intercourse, and operate exclusively to the ruin of our own citizens.

This provision, if adopted, besides being impolitic, will be manifestly unjust. Vessels will come in here freighted with French and British goods, and will be liable to the duty without having any previous knowledge of it. When a person orders goods under an idea of having to pay a certain duty, it is wrong to compel him to pay more.

Mr. J. said, this would be a tax on our citizens, though in the end the revenue would not be benefited by it. It would introduce smuggling and demoralize the people of the United States. There never had been, since the world began, so much duty collected with so much honesty as that of the United States had heretofore been, before this abominable system of commercial restrictions had commenced. Smuggling had been deemed dishonorable; there had been very few cases even of suspicion. It was now quite the contrary. Large quantities of goods were now imported, on which it was evident that duties had never been paid.

Mr. L. also deprecated this mode of legislating by reviving the sections of an act about to expire. Why were not the sections repeated at length and spread on the statute book, if to be enacted, that they might be distinctly understood?

He said he was against the amendment in principle; it was nothing but a continuation of the non-intercourse and embargo policy, dressed up in a new garb.

Mr. KEY said that the amendment offered by the gentleman from Kentucky did not meet his approbation. It went to increase the present duties greatly too much to answer any possible good as a fiscal measure, as an encouragement to manufactures, or as a coercive measure to induce the belligerents to recede from their orders or decrees. In whatever view it was considered, he hoped the House would not agree to it.

With a view to encouraging manufactures, said he, the increase is too great. I am a friend to

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manufactures, and would have them progress, *pari passu*, with agriculture and commerce, but I would never foster one in a hotbed at the expense of the other. It is asked why, being the growers of raw materials, we should send them abroad to be manufactured? I answer, because we have land to cultivate, and agriculture is more congenial to the habits of our people than manufactures. Where there is such a superabundance of population that land is not to be had on reasonable terms, there the people are obliged to manufacture. Our land is superabundant; and we are either satisfied with rough manufactures, or sell our produce, or exchange it for manufactures of other countries, rather than enter extensively into manufacturing establishments. On some parts of the community this tax would not bear heavily, but on others it would. I cannot agree to tax the States of Maryland and Virginia, for instance, where there are comparatively no manufacturing establishments, fifty per cent. on the amount of the present duties, to encourage the manufactures of any particular portion of the community. Who gets the vast bonum of this duty? I can show you a small portion of our citizens, who, by the operation of this law, will pocket at least six millions of dollars. I speak of the great moneyed capitalists—the importing merchants. By the reports of the Secretary of the Treasury, it will appear that in the year 1807 the clear net duty collected from imports amounted to sixteen millions of dollars. In 1808, it was ten millions of dollars. If gentlemen will turn to this document, they will find that more than three-fourths of the amount of sixteen millions of net duty was paid on articles imported from England, Scotland, Ireland, Isle of Man, and their dependencies, and from France about one-tenth. The same ratio will hold good as to any given quantity of articles on which duties have been collected. Owing to the embargo and non-intercourse systems, and the encouragement given by them to smuggling, connected with the high duties already existing, our revenue from imports has diminished, but upon the whole amount of imported goods now on hand, you give the merchant a profit equal to the increase of duty which you enact. You put all the difference between the duties as they now exist, and as they are proposed to be increased, into the hands of the holders of foreign products. I cannot consent to tax the agriculturist so enormously, to make a few moneyed capitalists more rich than they are. There is not a plainer proposition than that, supposing a year's supply in the country, the law will operate, not to put five millions into the Treasury, but into the hands of these merchants. No one who knows anything of the quantity of goods on hand in the country can doubt it. There are commercial gentlemen in the House capable of giving the information. I ask them to say whether they do not, in their conscience, believe that all the articles in the country which have not paid this duty will be rated and sold as though they had; or, by being sold for less than the goods hereafter to be imported,

whether an exclusive monopoly will not be given to them over those whose goods have not yet arrived? The man who imports and pays fifty per cent. additional duty, will either be shut out of the market because he cannot sell so low as the other, or the man who has goods on hand must make an additional profit on his goods, equal to fifty per cent. on the present duties.

In this House, then, are the representatives of the landed interest of this country prepared to give this bonum to merchants and manufacturers? No, sir; under God, I hope the agricultural interest will be the first protected, as they are the shield of the country, and will be its defence when war comes. Then you would look to the hardy sons of the soil as a different class, in point of virtue, feeling, and principle, from those whom this law would benefit. You would never look to men and boys in workshops for that virtue and spirit in defence that you would justly expect from the yeomanry of the country. Upon this ground, I never can consent to make a sacrifice of their rights by passing a law which shall impose upon them so unequal a burden, whilst we have a world, almost, of territory undisposed of. While our lands are cheap, let us settle them, and, without taxing other parts of the community for the purpose, give every proper encouragement to such manufactures as our situation demands. In this point of view, I am decidedly opposed to the amendment.

In a fiscal point of view, will it enrich our Treasury? No, sir; of all the delicate operations on earth, it is one of the nicest to say how far an article is properly dutiable, so as to secure a collection of the revenue. Although the duty will be greater, I believe the revenue will be less. A small duty, without smuggling, is always the best. Under the late system, smuggling was greatly increased. If we look to our frontier, we shall see, from the head of the lakes to the mouth of the St. Lawrence, innumerable points from which we were inundated with prohibited articles. Do gentlemen expect that the people of the country will refuse to admit these goods? Experience shows that they will not. The practice of the last two centuries will testify to the contrary. We know that in a free government, unless laws are made to suit the genius of the people, they will not enforce them. Although they do not oppose them with a strong hand, they will connive at their violation. Hence, during the embargo, notwithstanding the laws prohibiting it, we find articles were poured into this country. The non-intercourse law has, also, been daily evaded. When last in Baltimore, I was told that it was no difficult thing to make a contract for a cargo of prohibited goods to be deposited at any given point in Boston, Philadelphia, or Baltimore. All that was required in such cases for the trouble or risk in the transaction was a small premium. The same consequence will ensue whenever the duties are so high as to give encouragement to smuggling.

Another thing, sir. The revenue will not only be impaired by smuggling if the amendment pass

into a law, but will, in truth, be diminished in another point of view, viz: by a less consumption of the articles liable to duty; for you may raise the duty so high as to depress the receipt at the custom-house, by reducing the consumption of imported goods. The combined influence of a diminished consumption, and of smuggling, will depress your revenue to almost nothing.

As a fiscal measure, then, the proposed amendment is not a wise one; as a measure taxing the agricultural interest for the support of manufactures, it is not wise; as a measure of resistance to the belligerent edicts, it is worse than nothing, for it has not been contended that it would be more powerful than the measures heretofore adopted for the same purpose.

I have been pleased to hear the observations of a gentleman from New York. He is for supporting commerce by a navy, and in that respect is directly in opposition to the gentleman from Pennsylvania. (Mr. SEYBERT,) who supports the maxim of the King of Prussia, that it is not worth while to attempt to protect commerce without a hundred ships of war. Without coinciding in that opinion, I believe that every honorable man, however warm his feelings in defence of his country, must believe that with an empty Treasury, and without instruments, and even if we had ten times as large an Army and Navy as we have at present, it would not be competent for us to force those maritime Powers who have in force orders and decrees affecting our commerce, to do us the justice we conceive ourselves entitled to. Our submission, as it has been called, to the decrees and orders, was a submission which we could neither command nor control. These edicts of the belligerents were, in one respect, like the dispensations of Providence; we were incapable of resisting them. But, on that account, I never deemed a vote against measures of hostility as in any degree abandoning our rights. Far from it; for, it would only have been a vain cost of treasure, and a lavish expense of the best blood of the country, without any good. This state of things should induce us to endeavor in the best manner we could to support ourselves at home, and acquire funds in the Treasury, by leaving our merchants to carry on such commerce as is in their power. I am sure, sir—for the honorable gentleman from Kentucky is a high-minded man, and I know his zeal for his country—that he does not consider this as a measure of resistance to the orders and decrees. On the contrary, it appears to me a measure compromising honor for money, and saving our honor by filling the Treasury.

Sir, I do not profess to be capable of advising proper measures; but, when measures are brought before the House, I feel it my bounden duty to express my sense on their tendency. I think this fifty per cent. additional duty on imported goods will not increase our revenue; it will not, in any degree, better our situation; it will operate, at the cost of the Treasury, as a bonum to our merchants who have imported goods on hand, and it will operate on agriculturists for the purpose of

raising in a hotbed the manufacturing interest, which, though I wish to foster it, I cannot consent to encourage to the substantial injury of the agricultural interest of the country.

A division of the question was called for, so as to take the question first on striking out the first section of the bill.

Mr. BACON rose merely to say that he should vote against striking out the section, though not unfriendly to the amendments proposed, because he believed they would be equally applicable to the bill if the section was retained as if it was struck out.

The question on striking out the first section was negative, 52 to 43.

Mr. JOHNSON then moved to amend the bill by adding the sections he had moved before.

Mr. J. said if he could have voted for the bill now under consideration, he should not have troubled the Committee with these amendments, amendments justified by existing circumstances and founded on correct principles. They provide, 1st. For the exclusion of British and French armed vessels from the use of our harbors and waters; denying to their crews the hospitalities and comforts of our country; vesting the President with power, by proclamation, to remove such restrictions in favor of the Power who shall so modify its anti-neutral edicts as to exempt our commerce from embarrassment. 2d. To add fifty per centum upon the present duties, as it respects the goods, wares, and merchandise, the growth, produce, or manufactures of Great Britain and France, their colonies and dependencies; with the express condition that such duties shall cease and determine at the end of three months from such time as either Power may cease to violate the neutral rights of the United States, but to be enforced as to the nation continuing to make aggressions upon the commercial rights of the United States. 3d. To authorize the President, in case of arrangement with France or Great Britain, to revive the non-importation part of the non-intercourse against the Power refusing to modify its decrees violating our neutral rights. 4th. To strike out that part of the bill which repeals the non-intercourse.

These amendments are not complicated. They are easy of comprehension. They assume honorable ground, which we can maintain, despite of foreign enemies or domestic opposition; a system not to terminate with the end of the next session, like our other restrictive measures, which we have been compelled to abandon. No, sir; bottomed upon American principles, and animated with a spirit of resentment, these restrictions are to continue as long as the unjust decrees of the belligerents. It is a system of retaliation against the two warring Powers, who have disregarded the sacred character of our neutrality. A preference is given to friendly Powers and their commerce by additional duties of fifty per cent. as to France and Great Britain; and a proper discrimination is made in our commercial intercourse with hostile and friendly Powers, by excluding the public armed vessels of Great Britain

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and France, and admitting others. The wanton violations of our rights justify, and call imperiously for this distinction. The exclusion of their armed vessels will save us the mortification of seeing our citizens murdered, and our commerce interrupted in the sight of our own shores.

This discriminating duty of fifty per cent. will produce the most salutary consequences. It will encourage internal improvements and domestic manufactures, give a spirit to enterprise, and bring money into the Treasury to discharge the debt of the Revolution. It will encourage the commerce of friendly Powers, excite their confidence, and secure their friendship; it will evince our justice, our firmness, and our moderation; it will make us independent of the markets of Napoleon and the King of England, whose enmity cannot easily be destroyed. French brandy, silks, and wines, and British manufactures, will find a limited market in the United States. This regulation will lessen the importation from Great Britain and France, and will beget habits of economy, and destroy those ancient ties of commerce which threaten to enslave us. So long as France and Great Britain believe that we are dependent upon them for a market, or their goods, so long will they insult the honor of our flag, and trample upon the rights of this nation. We must convince them of their error, and they will reciprocate our friendly disposition, and seek our commerce upon reciprocal principles. We know we are independent of foreign nations, and the world must be taught to know it. Without this belief, the friendship of despots is not worth possessing. We were not sent to this place to barter away the nation's rights, but to maintain them at the hazard of blood and treasure. These restrictions can be enforced without armies and navies, and as the plunder of our commerce is the only inducement now for France and Great Britain to continue their unjust pretensions, these duties will injure vitally the interests of both nations. But it seems to me that every measure will be opposed which is calculated to resent the wrongs of foreign nations, until complete abandonment of our rights will be the inevitable consequence. Nothing will do that has been proposed, and nothing that can in human wisdom be proposed. And should this be the temper of the House at this alarming crisis? Sometimes the measure is to operate upon ourselves; at other times, its operation upon foreign nations is to produce revolution, and terrifies us to death. We can bear nothing; we can suffer nothing. Have we lost our love of glory and freedom? Have we lost our firmness? Have we boasted of our wisdom, our patriotism in vain? How can I meet my fellow-citizens and say that Congress have yielded up their rights to France and Great Britain? Have we lost confidence in the people? I hope not. The people are firm, and we have nothing to fear. It is objected that this additional duty will produce habits of smuggling. The fifty per cent. upon the present duties makes seven-and-a-half per cent. ad valorem duty, and fifty per cent. on the specific duty. The Secretary of the Treas-

ury has recommended to the Committee of Ways and Means five per cent. on ad valorem duties, and thirty-three-and-a-third per cent. on specific duties upon the commerce of all nations, as without any danger of smuggling, with a view to revenue. This duty is confined to France and Great Britain, leaving importations from other countries upon the present establishment. I apprehend, therefore, no danger from smuggling. Upon light articles, such as lace for instance, the imposts will, under any duty, be evaded occasionally. This cannot always be prevented or detected; and the evasion of the law may take place in our seaports notwithstanding the vigilance of the revenue officers. But upon the great subject of impost, the articles which yield the revenue, the duty can be enforced, and will be operative upon importations from Great Britain and France.

If this smuggling be carried on, it must be through the medium of the Canadas and the Floridas; and this circuitous trade could not be carried on with any profit over the bona fide trader, provided there was no risk of detection and forfeiture. To save seven-and-a-half per cent. ad valorem, the smuggler must incur the expenses of a circuitous trade by land and water. He must land his goods in Canada, under all the disadvantages of its commercial situation, compared with the fair trade sailing into New York or Boston; and, after landing, he must carry his heavy articles, such as sugar, rum, cloths, &c., to a distant market for sale. He must run the risk of detection, and the penalties of the law, and the dishonor attached to this clandestine traffic. With these difficulties, would the seven-and-a-half per cent. ad valorem duties furnish sufficient inducement to evade the law? There would be much difficulty in preventing the exportation of goods, wares, and merchandise, on account of the facilities of evasion arising from the aid which bad men would give to each other in their combinations. But the difficulties of smuggling into the United States, even under a total non-importation, would be very great, owing to the vigilance of our officers and our great distance from those countries which furnish us with importations. The smuggling, of which complaint is made, has arisen from the system of non-intercourse to which we have been driven by the conduct of foreign nations, and which will not be the case under the operation of additional duties. In a zeal to oppose the amendment, false invoices have been mentioned as a practice that would result to evade the revenue laws. This practice of swindling the Government of its revenue by a false invoice has prevailed, and no doubt a proper remedy will be suggested at the next session to suppress it. But this act of evasion, arising from a defect in the system of revenue laws, and from the great desire of gain, which has weakened the moral and political obligations of the citizens, will find the same inducements under the present duties, as after the addition is made. Nothing will prevent this but a fear of detection, or the entire repeal of your revenue laws. I call the

attention of this House to the history of England. I have examined this part of it, and find the example in point. The ad valorem duties in Great Britain are thirty-three-and-a-third per cent., as a permanent system of revenue, and the practice of smuggling does not defeat the revenue. Every facility is afforded to the smuggler in England by regular establishments, and in the United States there are none such; the reverse is the fact—nor can such establishments exist, separated as we are from the Old World. Look to the English side of the British Channel. From Lands End and Portsmouth up to Gravesend, a coast of three hundred miles is presented; and on the European side, from Brest to Amsterdam, we have a contiguous coast of five hundred miles. From these opposite coasts, a fast sailing smuggling vessel may run in a few hours, in spite of the movement of revenue cutters. Add to this circumstance the number of islands which afford facilities to this clandestine traffic. It is said we cannot distinguish goods of French and British origin from those of the nations not subjected to additional duties. Take any port as to American commerce, and try the experiment. Can the English merchant purchase Irish linens at Tonnigen, and impose them upon us as neutral goods? And, if he could, would not this expedient cost him more than the fifty per cent. on the present duty—that is, seven-and-a-half per cent. ad valorem? We have been told that this will be taxing the people. If it be a tax, it is a voluntary one. It is paid by the rich and the wealthy, who choose to clothe themselves in foreign wares; it is paid by those who are best able to pay it. In this case you do not send your federal officer to the cottage of the poor man with a wife and children, to take his last cow to sell, or to put him in jail. The hand of oppression is not felt by this duty. Your merchant pays it to the Treasury, and if the farmer voluntarily purchases the merchant's goods, he indirectly helps to pay the duty. A member from Maryland has spoken of the State of Kentucky as fertile, and more able to bear this duty than the other sections of the United States. Every part of the Union has its advantages and disadvantages, and, perhaps, no measure of Congress can act precisely equally on all the States; but I can assure that gentleman I do not make the calculation of profit and loss as it respects the people of Kentucky, when their rights and honor are at stake. No, sir; they are willing to bear and suffer everything for the sake of that freedom which they enjoy. But I can also assure the member from Maryland that he is mistaken if he supposes the people of Kentucky do not suffer in common with the people of the United States, in consequence of the measures of Congress, passed with a view to countervail the restrictions imposed upon our lawful commerce by the two great belligerents of Europe. The people of Kentucky are industrious, and they delight in times like these to clothe themselves in domestic manufactures; in what we call, in common parlance, homespun. They meet in this ornament, to celebrate with the sen-

timents of freemen the anniversary of our independence. But they have their calicoes, and their silks also, which they can, and do put on, when it suits them; and in this way they contribute to pay revenue to the exchequer of the United States. The distresses of the farmers are mentioned, and per centum calculations made as to their losses and privations. I am not acquainted with that language in Kentucky. I have listened to members on the subject of mercantile cupidity, but, until this session, I have never heard members declaim upon agricultural cupidity. And has it come to this? Shall we forget the injustice of foreign enemies, and calculate the loss we are to sustain by a vindication of our rights? I have, heretofore, been interested with the pleasant theme of the farmer's virtues, his patriotism, and his valor; but now, I hear of his cotton upon his hands, his tobacco in his warehouse, and his flour spoiling. I will not indulge sentiments so derogatory to the character of the agriculturists. Such sentiments do them the greatest injustice. Gentlemen are much surprised at these amendments. It was expected we had given up the restrictive system. I am sorry to astonish the members of this House, but I hope it will be distinctly understood that I never have, and that I never will relinquish a system which is calculated to avenge the violated rights of this much injured country. We have been laughed out of some measures, we have been alarmed out of others; but I cannot be operated upon by either of these motives. I will not relinquish the ground we have taken unless I discover in it radical defects. In such event, I would gain wisdom by experience, and commence a new system, more certain of success.

I have noticed attentively the passing events, the surrounding difficulties, the difference of opinion as to the measures best calculated for the times. I have listened to the various sentiments of the most experienced members, and it is universally agreed by all, that we cannot abandon the opposition which we have made to the injuries of France and Great Britain; that we must persevere in some honorable course of measures; something must be done. Under these considerations, I have ever been willing to accommodate, and meet in union to vindicate our injured rights. I have, on all occasions, given up my first wishes rather than disseminate the seeds of disunion, but I now begin to see that all is in vain, and submission must come, unless we take these amendments and adopt the bill. I will meet upon any ground but the abandonment of our rights. That I never will do for an earthly power or consideration. I have always been willing to continue commercial restrictions, or use the force of the nation to avenge our wrongs. I see no other course—there can be no other. I have always endeavored to get the strongest measures, but determined to vote for the weakest rather than to do nothing, or distract the Councils of the Union. With this disposition, we can meet upon honorable ground, and that ground is now offered. This Government is founded on the virtue, the

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affection, and the patriotism of the people. So long as you save the national honor, under such imperious difficulties, they will be satisfied.—They have given evidence of this disposition. But, let us separate with naked submission to the decrees of France and Great Britain, and the people will rise in their just indignation, and declare us unworthy of the sacred trust committed to our charge. They never will suffer a foreign Power to regulate their commerce, and prevent them from carrying our native produce to market agreeable to the laws of nations and of reason.

Mr. SHEFFEY opposed the amendment.

Mr. BOYD spoke in reply.

MESSRS. DANA and LIVERMORE spoke against the amendment.

And a division of the question being called for, the first section proposed as an amendment (going to continue the exclusion of foreign armed vessels from our waters) was agreed to by the Committee—yeas 53.

Mr. VAN HORN moved to strike out of the second section proposed; the words, "as to allowance of drawback." He said he had no idea, after the people had been taxed nearly double of the present duties, of admitting foreign goods to be re-exported after a payment of only three and a half per cent. duty. It would be a premium to foreign manufactures over our own.

The motion was lost, ayes 14.

The second section was then agreed, to ayes 59.

Mr. BACON moved to amend the first section of the bill (which *repeals* the third section of the non-intercourse law) by striking out the words "the third section of the."

This motion was objected to by Mr. PITKIN on the ground of the alleged absurdity of *repealing* a law, and at the same time *re-enacting* the two first sections and subjecting the whole to revival on the proclamation of the President.

Mr. BACON defended his motion, and showed the necessity of giving a power to the President to revive the non-intercourse system in relation to the belligerent not revoking its edicts—a necessity resulting from laws passed by Congress, requiring the President to make certain offers to the belligerents, which, if agreed to, could not be carried into effect unless this provision was agreed to.

Mr. PITKIN replied that with respect to any overture made to either belligerent, or as to any treaty in contemplation, the House had no knowledge, the President not having given them such information. He was opposed entirely to giving power to the President to revive a law.

Mr. LIVERMORE said as the proposed amendment went to the total repeal of the non-intercourse, distinct from any condition annexed to it, he was in favor of the amendment.

The amendment was agreed to—ayes 61.

Other verbal amendments having been agreed to, the Committee rose and reported the bill as amended.

Mr. MILNOR moved to adjourn—ayes 43, noes 51.

Mr. QUINCY moved that the bill lie on the table, for this purpose of having it printed.

This motion was supported by Messrs. VAN HORN, KEY, QUINCY, and LIVERMORE, on the grounds that they could not understand the amendments; that this precipitation of business was undignified and dangerous; and they claimed as a right to have the bill printed for inspection before they decided on it.

MESSRS. GHOLSON and JOHNSON opposed it. They said they felt every disposition to accommodate gentlemen in their wishes; but the House acted under imperious circumstances, for if the passage of the bill was delayed beyond to-morrow, it was impossible that the Senate should act on it before the time fixed for adjournment. They appealed to their friends, under these circumstances, not to consent to delay.

The following are the yeas and nays on the motion that the bill lie on the table:

YEAS—Daniel Blaisdell, James Breckenridge, John Campbell, William Chamberlin, Epaphroditus Champion, Matthew Clay, Samuel W. Dana, John Davenport, jun., William Ely, James Emott, Jonathan Fisk, David S. Garland, Thomas R. Gold, William Hale, Nathaniel A. Haven, Daniel Heister, Benjamin Howard, Richard Jackson, junior, Robert Jenkins, William Kennedy, Philip B. Key, Herman Knickerbacker, Joseph Lewis, junior, Edward St. Lee Livermore, Matthew Lyon, Robert Marion, Vincent Matthews, Archibald McBryde, Pleasant M. Miller, Wm. Milnor, Thomas Moore, Jonathan O. Moseley, Gurdon S. Mumford, Joseph Pearson, Benjamin Pickman, jun., Timothy Pitkin, jun., Elisha R. Potter, Josiah Quincy, John Rhea of Tennessee, Daniel Sheffey, John Smith, Samuel Smith, Richard Stanford, James Stephenson, Jacob Swoope, Samuel Taggart, Benjamin Tallmadge, Jabez Upham, Archibald Van Horn, Killian K. Van Rensselaer, Laban Wheaton, Ezekiel Whitman, and James Wilson—53.

NAYS—Willis Alston, jr., William Anderson, Ezekiel Bacon, David Bard, Burwell Bassett, William W. Bibb, Adam Boyd, John Brown, William A. Burwell, William Butler, Joseph Calhoun, John Clopton, Howell Cobb, James Cochran, Orchard Cook, James Cox, William Crawford, Richard Cutts, John Dawson, Joseph Desha, Meshack Franklin, Barzillai Gannett, Gideon Gardner, Thomas Gholson, Peterson Goodwyn, James Holland, Jacob Hufty, Richard M. Johnson, John Love, Aaron Lyle, Samuel McKee, Alexander McKim, John Montgomery, Nicholas R. Moore, Jeremiah Morrow, Roger Nelson, Thomas Newton, John Nicholson, John Porter, John Rea of Pennsylvania, Matthias Richards, John Roane, Erastus Root, Ebenezer Sage, Thomas Sammons, Ebenezer Seaver, Adam Seybert, Samuel Shaw, Dennis Smelt, John Smilie, George Smith, John Taylor, John Thompson, Uri Tracy, Charles Turner, junior, Robert Weakley, Robert Whitehill, Richard Winn, Robert Witherspoon—59.

The first and second amendments of the Committee of the whole House were then concurred in by the House.

The third amendment being then read, in the words following, to wit:

"And be it further enacted, That the two first sections of an act, entitled 'An act to interdict the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes,' be, and the same are hereby, reviv-

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ed, and shall, from the passage of this act, have full force and effect.

"*And be it further enacted*, That, from and after the passage of this act, an addition of fifty per cent. shall be made to the duties now imposed by law on the importation of goods, wares, and merchandise, in respect to all goods, wares, and merchandise, the growth, produce, or manufacture, of any of the dominions, colonies, or dependencies, of either Great Britain or France, or imported from any of the said dominions, colonies, or dependencies; which additional duty shall be levied and collected in the same manner, under the same regulation and allowance as to drawbacks, mode of security, and time of payment, respectively, as are already prescribed by law, in relation to the duties now in force on the importation of goods, wares, and merchandise."

A division of the question on the said amendment was called for by Mr. LYON, the division to take place after the word "effect:" and the same being taken on the first member thereof, it was resolved in the affirmative.

A motion was then made by Mr. VAN HORN, and the question being put, to amend the second member of the third amendment, by striking out the words "*and allowance as to drawbacks*," and it was determined in the negative—ayes 25.

The question was then taken on concurring in the second member of the said amendment, and resolved in the affirmative—yeas 59, nays 22, as follows:

YEAS—Willis Alston, jun., William Anderson, Ezekiel Bacon, David Bard, Burwell Bassett, Adam Boyd, John Brown, William A. Burwell, William Butler, Joseph Calhoun, John Clopton, Orchard Cook, James Cox, William Crawford, Richard Cutts, John Dawson, Joseph Desha, Jonathan Fisk, Mosback Franklin, Gideon Gardner, Thomas Gholson, Peterson Goodwyn, James Holland, Benjamin Howard, Jacob Husty, Richard M. Johnson, John Love, Matthew Lyon, Aaron Lyle, Samuel McKee, Alexander McKim, Pleasant M. Miller, John Montgomery, Nicholas R. Moore, Jeremiah Morrow, Roger Nelson, Thomas Newton, John Nicholson, John Porter, John Rea of Pennsylvania, John Rhea of Tennessee, Matthias Richards, John Roane, Erastus Root, Ebenezer Sage, Thomas Sammons, Ebenezer Seaver, Adam Seybert, Samuel Shaw, John Smilie, George Smith, John Smith, John Taylor, Uri Tracy, Charles Turner, junior, Robert Weakley, Robert Whitehill, Richard Winn, Robert Witherspoon.

NAYS—William W. Bibb, Matthew Clay, Howell Cobb, James Cochran, David S. Garland, Nathaniel A. Haven, William Kennedy, Philip B. Key, Joseph Lewis, jr., Robert Marion, Wm. Milnor, Thos. Moore, Jonathan O. Moseley, Gordon S. Mumford, Benjamin Pickman, jun., Timothy Pitkin, jr., Elisha R. Potter, Daniel Shaffey, Richard Stanford, Archibald Van Horn, Ezekiel Whitman, and James Wilson.

An amendment authorizing a suspension of the restrictions as to the nation revoking its unlawful edicts, was concurred in without opposition.

Mr. MUMFORD said he was opposed to the amendments. They would however be useless indeed if there was no commerce on which the duty could operate; and this he feared would be the case soon, unless some measure was adopted, for at one fell swoop twenty-five sail had been taken within sixty days past at and near St. Sebas-

tian. Without further preamble, he moved the following section as an amendment, to which, if agreed to, he would add the details necessary to carry it into effect:

"*And be it further enacted*, That the merchant vessels of the United States owned wholly by a citizen or citizens thereof, laden wholly with articles of the growth or manufacture of the United States, owned wholly by a citizen or citizens thereof, navigated wholly by citizens of the United States, not having on board articles contraband of war, and bound to any port or place not actually invested, with which intercourse shall be prohibited by the decrees or orders of the Government of any Power whatever, shall be entitled to protection by convoy."

Mr. MARION asked for information whether this swoop was made on the merchantmen at sea or in port? If in port, he said he should be glad if the gentleman would inform him whether, if they had been convoyed, they would have escaped seizure? If, after being convoyed to a port, they were not safe, it would be a great reason against going to the expense of convoying.

Mr. MUMFORD replied that the greatest part of the vessels had been taken entering the harbor of St. Sebastian, some by boats, some by privateers—some were taken possession of immediately after their arrival. Had they been convoyed, so that the nature of the property could have been ascertained with certainty, he believed they would not have been seized.

Mr. FISK regretted that he could not vote for the proposition, because it was too indefinite; because it would be merely nominal, as, if our Navy was increased four-fold, it could not be competent to the object; because he did not wish to embarrass the bill by any distinct propositions, nor to add one which would defeat the bill; because, if at this late hour of the session it was determined to employ arms to enforce our rights on the ocean, he wished it to be done in a more serious manner than that proposed.

Mr. DANA, advertent to a distinction made in some late admiralty decisions between vessels sailing under convoy and under protection, because in the former case the merchant vessels were compellable to sail under the direction of the armed vessel, and in the latter case had their option how far they would proceed under protection, suggested to the gentleman the propriety of modifying his motion, so as to read "may be protected by the public armed vessels of the United States against unlawful searches or seizure."

Mr. MUMFORD declined varying his motion.

Mr. GHOLSON was desirous of postponing the amendment, but could not get at his object.

Mr. PICKMAN said no one could be more desirous than himself, if it was in our power, to protect our commerce against the illegal acts of any nation; but it would be as idle to attempt to convoy our trade against the thousand ships Britain has in commission, as to convoy them to France with a view to resisting illegal seizure and detention by that Power in her own ports.

Mr. DANA objected to the amendment, because of the vagueness of the terms in which it was

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couched. It authorized the convoy of trade, without specifying whether on land or on water. Whatever might be the case with these smaller vehicles called gunboats, he said it was not usual for the frigates to undertake to travel by land.

The amendment was negatived—yeas 18, nays 73 as follows:

YEAS—William Anderson, Burwell Bassett, William A. Burwell, Joseph Calhoun, Matthew Clay, John Clopton, David S. Garland, Thomas Gholson, Benjamin Howard, John Montgomery, Thomas Moore, Gurdon S. Mumford, Thomas Newton, John Porter, John Rhea of Tennessee, Erastus Root, John Thompson, and Ezekiel Whitman.

NAYS—Willis Alston, junior, David Bard, William W. Bibb, Adam Boyd, James Breckenridge, John Brown, William Butler, Epaphroditus Champion, Howell Cobb, James Cochran, James Cox, William Crawford, Richard Cutts, Samuel W. Dana, John Davenport, jun., John Dawson, Joseph Desha, James Emott, Jonathan Fisk, Meshack Franklin, Gideon Gardner, Peterson Goodwyn, William Hale, Daniel Heister, James Holland, Jacob Hufty, Robert Jenkins, Richard M. Johnson, William Kennedy, Philip B. Key, Edward St. Lee Livermore, Matthew Lyon, Aaron Lyle, Robert Marion, Archibald McBryde, Samuel McKee, Pleasant M. Miller, Nicholas R. Moore, Jeremiah Morrow, Roger Nelson, Benjamin Pickman, jun., Timothy Pitkin, jun., Elisha R. Potter, Josiah Quincy, John Rea of Pennsylvania, Matthias Richards, John Roane, Ebenezer Sage, Thomas Sammons, Ebenezer Seaver, Samuel Shaw, Daniel Sheffey, Dennis Smelt, John Smilie, George Smith, Samuel Smith, Henry Southard, Richard Stanford, Jacob Swoope, Samuel Taggart, Benjamin Tallmudge, John Taylor, Uri Tracy, George M. Troup, Charles Turner, jun., Jabez Upham, Archibald Van Horn, Killian K. Van Rensselaer, Robert Weakley, Laban Wheaton, James Wilson, Richard Winn, and Robert Witherspoon.

Mr. LIVERMORE wished to make a motion that the bill should not take effect nor be in force till the — day of — next.

The SPEAKER informed Mr. LIVERMORE that it was not in order, as the House had agreed to a section which contained within itself a provision that it should go into operation *from and after the passage of this act*.

Mr. LIVERMORE then moved the following as an amendment to the bill:

“Provided, That nothing in this act shall be construed to allow the recovery of any penalty or forfeiture by reason of the Proclamation of the President of the United States bearing date the 9th of August, 1809, or the corresponding instructions issued under the direction of the President by the Secretary of the Treasury of the same date as communicated to Congress with the Message of the President at the commencement of the present session.

Mr. LIVERMORE said that the amendment he had introduced was to prevent the embarrassments which might arise to the citizens from prosecutions for penalties and forfeitures incurred under an apprehension that the non-intercourse act had been in force since the 28th of June, as regarded the dominions of Great Britain, and that the circular letter of the Secretary of the Treasury, of the 19th of August last, and the proclamation of

the President of the same date, were warranted by law. If, said he, Mr. Speaker, the circular letter and proclamation I have mentioned were not warranted by law, and the non-intercourse has not been so in force, it is proper a proviso of this nature should be annexed to the second section to prevent further difficulty and embarrassment arising to the people.

It is intended by the bill before us to repeal the act of June, which revived part of the act of March, commonly called the non-intercourse, so that its operation shall immediately cease, except as to the recovery of forfeitures and penalties incurred under it; and as the non-intercourse is now, and has been, since the passage of the act, in force as respects France and her dependencies, it is proper perhaps to keep in force the act as to the recovery of such penalties and forfeitures; but as the law (as I shall undertake to show) has not been in force as respects Great Britain and her dependencies, since the close of the last session of Congress, it is proper so to qualify the expressions of the second section, about to be enacted, as that they may not mislead the officers of Government, or cause embarrassments to the people, or that the meaning of Congress should be misunderstood.

The principles I advance are, that the circular letter and proclamation, as respects this subject, are not warranted by law; and, as I have undertaken to show it, and will (I think) demonstrate it beyond all doubt to every gentleman who will give me a patient hearing, I hope I shall be indulged; notwithstanding the lateness of the hour and the anxiety of gentlemen to divide upon the question of the passage of the bill this night, imperfect and unintelligible as it is.

It is true the courts of law will decide according to their own understanding as to the point whether the non-intercourse has been in force as respects Great Britain and her dependencies, since the close of the last session; but still, it is our duty to understand the subject we are legislating upon, and that we should not enact a principle which is unjust in itself, and cannot be carried into effect, simply because the courts of law have the control, and must act immediately in their decisions. If what I contend for is correct, then the literal operation of the section under consideration is of the description I have mentioned, and the expression ought to be qualified. And there can be no impropriety; but, on the contrary, it is right and proper to qualify it in the way I contend, and a contrary position cannot be justified on any sound principle of morality or policy.

If there is any law to warrant the proclamation and circular letter, it must be contained in the acts of Congress of March 1st. 1809, called the non-intercourse, and of the 28th of June last, which revived parts of the non-intercourse act. If there is any other act upon the subject, gentlemen who may hold a contrary doctrine from that which I contend for, are called upon to produce it; otherwise I shall take it for granted that there is no pretence of any others. I will consider the act of March in the first place.

The first and second sections interdict from our ports and harbors all public armed ships of either France or Great Britain.

The third section interdicts, after the 20th of May, then next, the entrance into our ports and harbors of all vessels sailing under the flag of Great Britain or France, or owned, in whole or in part, by their citizens or subjects.

The fourth section forbids the importation, after the 20th of May, of all merchandise from Great Britain or France, or their dependencies, or of any goods, the growth, produce, or manufacture of either, from any other place.

The sixth section subjects to forfeiture the vessels, &c., in which prohibited articles shall be put on board for the purpose of importation. The fifth, seventh, eighth, ninth, and tenth sections regulate the carrying into effect the provisions of the other sections. The twelfth section repeals the embargo laws after the 15th of the month, or so much as respects the departure of vessels to any places, except Great Britain, France and their dependencies. The thirteenth requires giving bonds, &c.; and the nineteenth section limits the duration of the act to the end of the then next session of Congress, which was in June last. And as the law was to expire at the end of that session, it follows that any part of it which has not been revived and kept in force by the act of June, must have ceased to operate upon the adjournment of Congress, as much as if it had never existed; and no one will pretend that, if it has not been continued in force by the act of June, it has since been in force, or that the circular letter or proclamation could be warranted by it.

It is necessary to notice the provisions of the eleventh section of the act, which are as follows:

"That the President of the United States be, and he is hereby, authorized, in case either France or Great Britain shall so revoke or modify her edicts as that they shall cease to violate the neutral commerce of the United States, to declare the same by proclamation; after which the trade of the United States, suspended by this act and the act laying an embargo on all ships and vessels in the ports and harbors of the United States, and the several acts supplementary thereto, may be renewed with the nation so doing. And vessels bound thereafter to any foreign port or place with which the commercial intercourse shall, by virtue of this section, be again permitted, shall give bond, &c., that they shall not proceed to any foreign port, nor trade with any country other than those with which commercial intercourse shall have been or may be permitted by this act."

By this section, upon a certain event, the President was to declare it, and the trade or commercial intercourse was to be renewed; and vessels sailing were to give bond *only* "not to proceed to any foreign port, nor trade with any country other than those with which commercial intercourse shall have been or may be permitted." I shall not at this time inquire into the legality or correctness of the President's proceedings in relation to making the arrangement with Mr. Erskine, but simply to what he did and what Congress did, in pursuance of the arrangement made on the

19th of April last. The President issued his proclamation reciting the provisions of the eleventh section I have mentioned, and that the Hon. David Montague Erskine had, by the order and in the name of his Sovereign, declared to this Government that the British Orders in Council of January and November, 1807, would have been withdrawn on the 10th day of June then next; and the President proclaimed the same, "will have been withdrawn on the said 10th day of June, after which the trade with Great Britain, suspended by the act of Congress, and the act laying an embargo, and the several acts supplementary thereto, may be renewed." Congress met on the 22d of May, and on the 23d the President sent a message to both Houses; and among other things informed them that the British Government had transmitted to their Legation *provisional instructions* to signify His Britannic Majesty's willingness to withdraw his Orders in Council, in the persuasion that the intercourse with Great Britain would be renewed on the part of the United States.

"These steps," says he, "of the British Government led to the correspondence and proclamation now laid before you, by virtue of which the commerce between the two countries will be renewed after the 10th of June next." The President then recommended to Congress "the revision of our commercial laws, proper to adapt them to the arrangement which had taken place with Great Britain." What could the President mean by this recommendation? The whole system would expire at the end of the session, which was expected would be very short. This alone could have been the meaning: that as the act of March was temporary, and as Great Britain had complied with the requisition of revoking "her edicts violating our neutral commerce," and as France had not, there was a propriety in continuing the non-intercourse, or rather it was part of the compact as to France, and not as to Great Britain. This was the way Congress understood it; indeed, they could understand it in no other light, and legislated accordingly. The supposition is too absurd to entertain for a moment, that the President or Congress conceived the least idea that the non-intercourse with Great Britain was not renewable on the 10th of June, or that it had not been legally renewed at the time of passing the act to amend and continue in force the several sections of the non-intercourse act against France, which was passed the 28th of June. To suppose this were possible, is to suppose the President the most vile, perfidious man that ever drew the breath of life, as well as the greatest fool—perfidious towards the people of the United States to enter into an arrangement which he did not know or believe effectual, and solemnly declare to the world that it was done, thereby to let loose the whole commerce of the United States to go where the people pleased, except to France and her dependencies, and solemnly to announce to Congress that it was done in conformity with the act. And to suppose that Congress, in placing any kind of faith in the President, or in the legal-

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ity of what he had done, should hold up to the people their full reliance upon him, and the legality of his arrangement, and proceed to pass an act whereby the property of the citizens should be forfeited and their persons subjected to imprisonment for acts made criminal, which they were told by the Government were innocent and lawful, is to make Congress the most detestable, vile, wicked body, or composed of the vilest wretches that ever disgraced human nature. And yet, upon examination, it will be found that this must be the case, if the proceedings since the 13th of August last, in relation to this subject, have been correct. But this case cannot be admitted. Congress neither did nor could know anything of the transaction, except what the President had communicated to them, and which I have noticed. Congress supposed the dispute with Great Britain was settled and rightfully done, and passed the act of the 28th of June, in conformity.

It is well known to every lawyer, and it must be admitted by every man of any understanding, that all words and sentiments of a doubtful or equivocal meaning, must receive a construction according to what appears to have been the understanding and intention of the Legislature; otherwise a law might be passed to punish a man for that which was not intended to be made criminal, and for an action innocent in itself, and believed so at the time of its commission. This would be the extreme of tyranny; a most dreadful engine in the hands of a tyrant! But the reverse is the fact, and the intention of the Legislature is as much the law, and binding on all concerned, as if the provision was so expressed as to admit of but one meaning.

It was, then, with this understanding that Congress, on the 28th of June, passed the act by which it was enacted that the third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, seventeenth, and eighteenth, sections of the act, entitled an act, &c.—the act of the first of March—shall continue in force until the end of the next session of Congress; “provided that nothing therein contained shall be construed to prohibit any trade or commercial intercourse which has been, or may be, permitted in conformity with the provisions of the eleventh section of the said act.”

A construction must undoubtedly be put upon the words, “which has been, or may be, permitted, in conformity with the provisions.” Do these words merely designate an act alone, or trade or commercial intercourse already permitted, which the act should not be construed to prohibit; or an hypothesis, if any treaty or commercial intercourse has been legally and rightfully permitted; or, in other words, in conformity with the eleventh section, then this act shall not prohibit it, otherwise it shall prohibit all trade and commercial intercourse with Great Britain and her dependencies?

Only one of these constructions can be right. If the latter is wrong, it follows that the first is the true construction of the act of June last.

This proviso could not relate to the trade with

France. The eleventh section, which is expressly continued in force, makes the provision for that case. It must relate wholly to Great Britain; it would be nonsense to endeavor to extend this provision to anything else; and it is too self-evident to be denied, that this was the intention of Congress. Now, as the intention of Congress, at the time of passing the act of June, was not to prohibit the trade with Great Britain, the conclusion is irresistible, that this proviso was expressly intended to prevent the affirmative words in the sections revived by the act of March from operating to prohibit such trade and commercial intercourse. I call upon gentlemen to attend to this subject. I conceive it is our bounden duty to do so, and to understand it; and, if it should lead us to the necessity of impeachment, I hope we shall not shrink from our duty. The President and Secretary have their conduct regulated and circumscribed by law, as well as other men, which, in no case, can they be allowed to transcend. And, if gentlemen can answer my arguments, they are called upon to do so. It is not by a silent vote, or incessant calls for the question. This conduct may manifest strength of lungs and vivacity of disposition, but affords very indifferent argument of refutation. As far as I have capacity I will endeavor to illustrate my meaning of the construction, which is the only true one to be put upon this law by cases which must exist, if it is not the true construction, and I hope to render the subject too plain to be misunderstood. In the first place, if my construction is not correct, Congress must be made to enact a law contrary to their intention and understanding; for, if the belief and meaning of both the President and Congress were not, that the difficulties with Great Britain were settled, and that no law was to be made upon the subject as regarded that country, then the President must be supposed to be guilty of the most shocking untruths in his proclamation of the 19th of April, his Message to Congress of the 23d of May, and his Message at the opening of the present session; and Congress, if they have not made use of false words, yet have used false dealings with their constituents—worse than false words. How could the President say, comporting with truth, “that the engagement with Mr. Erskine had, with good faith, been carried into immediate execution on the part of the United States,” if Congress, on the 28th of June last, passed a law to prohibit the intercourse with Great Britain?

If it had been apprehended by either the President or Congress that there would have been any further difficulty with Great Britain, and that the arrangement was not completed, how easy would it have been to have made a provision to have met the exigency of the case which would not have worked an injury to the people? For instance, if it should be found that the arrangement was not entered into with proper authority, or if Great Britain should disavow it, that then the President should issue his proclamation declaring the fact, after which the non-intercourse should again commence; and Congress not having done

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anything of the kind, affords further proof (if it be necessary to prove a self-evident proposition) that this state of things was never contemplated.

The case presents itself in another point of view. Suppose the arrangement had been disavowed, would the non-intercourse have been in force against Great Britain? To answer this affirmatively would be throwing back the charge of perfidy upon our Government in a manner irresistible. If the question is answered negatively, as it must be—and at the same time it is contended, that having disavowed the arrangement, it is in force—then it must follow that our own Legislature have passed a law whose operation must depend upon the doings of a foreign Government, and it is made to traverse, like a weathercock, as the wind shall happen to blow; and our citizens may commit actions to-day, which to-morrow become highly penal, and whereby they may, by our own laws, forfeit all their property, and that, in consequence of the doings of a foreign Government.

If the operation of the proviso is made to depend upon the fact of whether the arrangement was or was not made in conformity with the eleventh section, then this paradox might exist: that the arrangement was entered into without authority from the Government of Great Britain, and consequently they were not bound by it, but so far acquiescing as not to enforce their decrees of November and January, and yet our non-intercourse is enforced against her so as to punish our own citizens for pursuing their imaginary lawful commerce! But suppose the case to stand thus: the arrangement was legally or properly entered into, and so acknowledged at the time of passing the act of June; but afterwards Great Britain would not stand to the agreement—could the President by proclamation revive the law? I think the answer will be in the negative; and yet, if the doctrine is correct against which I am contending, the answer must be in the affirmative, for our Government have not conceded and do not concede that the arrangement was not made in conformity with the law, in which case Great Britain would not be bound by it; but, on the contrary, intimate that the disavowal was a breach of faith on her part, and in no other way can the President's Message be understood. And the same sentiment has been expressed by gentlemen on this floor. How often have we heard it repeated, in the course of the debate upon the joint resolution, "the perfidy of Great Britain in disavowing the arrangement." If the arrangement was not legally entered into by the agent of that Government, in virtue of his power for the purpose, then there was no perfidy in the disavowal; but if the converse is true, that the arrangement was legally made and perfidiously disavowed, then it is made to follow that the President may revive the non-intercourse by proclamation, if it is now in force against Great Britain.

But we are told in the Message, which certainly looks a little contradictory, "that the event 'authorizing the renewal of commercial intercourse having thus not taken place, it necessarily

' became a question whether the act prohibiting ' that intercourse was not to be considered as remaining in legal force? ' This question being, ' after due deliberation, determined in the affirmative, a proclamation to that effect was issued." Did the President mean by this phrase, "the event not having taken place," that the British Government were not bound by the arrangement? This would make the insinuation in his Message very unjust. His meaning must be this: the arrangement or agreement supposed to be lawfully entered into, being that of the 10th day of June, the orders of November and January would have been withdrawn, and the British Government refusing to fulfil the agreement, and this "event not having taken place," it became a question, &c. And the only difference between the case I have supposed and the case that exists as operating upon this question is this: that in one case the Government of Great Britain refused to stand to the agreement before the time of passing the law, but it was not known at the time; in the other, that the Government refused to stand to the agreement, after the passing of the law—consequently, neither event being known at the time, neither could have any operation upon the law then passed, as neither could influence the Legislature in passing it; and it follows, *pari ratione*, that the President has as much authority in one case as the other to revive by proclamation. In fact he could have none in either.

This opinion of the President was formed "after due deliberation," and both acts were undoubtedly before him. If he had read the 19th section of the act of March, it would have informed him whether that act could be considered as "remaining in legal force." Would it have been any question with him if the act of June had not been passed? I think not; and yet from his mode of reasoning it seems it would have been the case. He says, "the event not having taken place, the question was whether the act remained in force." Had the question have been considered by him in a correct view, it surely never could have been a question with him whether he had been *particeps criminis* in passing a law to revive the non-intercourse with Great Britain, contrary to his solemn act and agreement with the British Ministry; and this we must suppose was his understanding at the time of its passage. Charity may drive us to this conclusion, that the 19th section was not read, or, if read, not attended to; but charity is not to drive us from a first consideration and attention to the people's rights and the principles of the Constitution, which admit of no excuse for an arbitrary assumption of power, in whatever shape, whatever time, and let who will be the person.

The only inquiry can be: Did the act of June instantly, upon its being passed and receiving the sanction of the President, revive the non-intercourse against Great Britain? for the supposition of reviving it upon contingency is fraught with too many extravagances to admit of the possibility of its being supported. To suppose, then, that Congress could intend to pass a law to re-

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prospect, to punish the citizens who, under the arrangement announced by the President's proclamation, and also in so solemn a manner to Congress in his Message, had been pursuing their lawful commerce from the 10th of the month until the 28th, is placing Congress in a most infamous tyrannical point of light. Retrospective laws are of all species of tyranny the most odious; they are against our Constitution, the very genius of our Government, and contrary to every principle of right and justice. The admission of their existence supposes the source of their origin to have been from the most depraved, vile, horrible disposition, fit only for the breasts of those who have their habitation with the damned. But a thing so contrary to the eternal principles of justice ought never to be supposed to exist; and yet there is no rational way of supporting the circular letter upon the ground of legal authority, except by the admission of this principle in its full force, or by admitting the greatest absurdities, contradictions, and nonsense, which I have endeavored, perhaps too faintly, to describe. And it takes very little from the turpitude by admitting the act to be prospective until August, when the proclamation was issued; for to suppose it to have been passed under such deception, the intercourse having been permitted from the 10th of June, is too abominable an imposition to admit that Congress would be capable of practising. Congress gave an explanation of their meaning in the proviso in the 3d section of the act of June, speaking of the proviso of the 11th section of the act of March, thus: "in relation to any nation with which commercial intercourse may hereafter be permitted," &c. The words in the other proviso are, "have been or may be permitted."

The operation of the act at the time of passing it must be either to revive or not to revive the provisions of the act of March against Great Britain. There can be no other alternative. If they are revived, then the consequences must result which I have shown. If they were not revived, I ask from whence it is the President derived his authority to revive them? I could wish gentlemen to point out the source. This question is not altogether new. I have before supported it in debate, though I have not gone so largely into the consideration of it. During the session, an honorable gentleman has said that there had been but one gentleman who had advanced the opinion; but the suggestion has been made elsewhere—in the Senate in particular, and the Executive must have considered it, and from there being no seizures that I recollect to have heard of, I presume a correct opinion is now formed.

But, if a contrary doctrine is still held by the Executive, they have had full time to furnish their friends with arguments to support it. I should like to hear the argument of the learned law counsellor, whoever he may have been, that advised to the course taken in April last. But if there should not be any argument advanced in support of the doctrine, I shall take it for granted that gentlemen are sensible none can be adduced.

From the premises I have laid down, these conclusions result: that the act of March interdicting commercial intercourse with Great Britain, being temporary and expiring on the 28th of June, the last day of the session, to which it was expressly limited, is not in force as respects Great Britain, because it was not revived by the act passed the 28th of June, and there has been no other lawful act to revive it.

The question was taken on Mr. LIVERMORE'S motion, and negatived—ayes 27, nays 62, as follows:

YEAS—James Breckenridge, John Campbell, Epaphroditus Champion, Samuel W. Dana, John Davenport, jun., William Ely, James Emott, Thomas R. Gold, William Hale, Nathaniel A. Haven, Richard Jackson, junior, Robert Jenkins, Herman Knickerbacker, Edward St. Loe Livermore, Matthew Lyon, Vincent Matthews, Archibald McBryde, Joseph Pearson, Josiah Quincy, Richard Stanford, James Stephenson, Samuel Taggart, Benjamin Tallmadge, Jabez Upham, Killian K. Van Rensselaer, Laban Wheaton, and Ezekiel Whitman.

NAYS—Willis Alston, junior, William Anderson, Ezekiel Bacon, David Bard, Burwell Bassett, Adam Boyd, John Brown, William A. Burwell, William Butler, Joseph Calhoun, John Clopton, Howell Cobb, Jas. Cochran, James Cox, William Crawford, Rich'd Cutts, John Dawson, Joseph Desha, Meshack Franklin, Barzillai Ganett, Gideon Gardner, Thomas Gholson, Peterson Goodwyn, James Holland, Benjamin Howard, Jacob Hufty, Richard M. Johnson, William Kennedy, Philip B. Key, John Love, Aaron Lyle, Robert Marion, Samuel McKee, William Milnor, John Montgomery, Nicholas R. Moore, Jeremiah Morrow, Gurdon S. Mumford, Roger Nelson, John Nicholson, John Porter, John Rea of Pennsylvania, John Rhea of Tennessee, Matthias Richards, John Roane, Erastus Root, Ebenezer Sage, Thomas Sammons, Adam Seybert, Samuel Shaw, Daniel Sheffield, Dennis Smelt, John Smilie, George Smith, Samuel Smith, Henry Southard, John Taylor, Charles Turner, junior, Robert Weakley, Robert Whitehill, James Wilson, and Richard Winn.

Mr. LYON moved that the bill as amended be printed.

This motion being out of order whilst the question for engrossing was pending—

A motion was again made to lay the bill on the table, which was supported by gentlemen who declared themselves utterly unable to understand it.

The motion was negatived—yeas 41, nays, 60, as follows:

YEAS—James Breckenridge, John Campbell, Epaphroditus Champion, Matthew Clay, James Cochran, Samuel W. Dana, John Davenport, junior, William Ely, James Emott, David S. Garland, Thomas R. Gold, William Hale, Nathaniel A. Haven, Benjamin Howard, Richard Jackson, junior, Robert Jenkins, Philip B. Key, Herman Knickerbacker, Edward St. Loe Livermore, Matthew Lyon, Robert Marion, Vincent Matthews, Archibald McBryde, William Milnor, Joseph Pearson, Benjamin Pickman, junior, Timothy Pitkin, junior, Elisha R. Potter, Josiah Quincy, Daniel Sheffield, Samuel Smith, Richard Stanford, James Stephenson, Jacob Swoope, Benjamin Tallmadge, John Thompson, Archibald Van Horn, Killian K. Van Rensselaer, Laban Wheaton, Ezekiel Whitman, and James Wilson.

YAYS—Willis Alston, junior, William Anderson, Ezekiel Bacon, David Bard, Burwell Bassett, William W. Bibb, Adam Boyd, John Brown, William A. Burwell, William Butler, Joseph Calhoun, John Clopton, Howell Cobb, James Cox, William Crawford, Richard Cutts, John Dawson, Joseph Desha, Jonathan Fisk, Meshack Franklin, Barzillai Gannett, Gideon Gardner, Thomas Gholson, Peterson Goodwyn, James Holland, Jacob Hufty, Richard M. Johnson, William Kennedy, John Love, Aaron Lyle, Samuel McKee, Pleasant M. Miller, John Montgomery, Nicholas R. Moore, Jeremiah Morrow, Gurdon S. Mumford, Roger Nelson, John Nicholson, John Porter, John Rea of Pennsylvania, John Rhea of Tennessee, Matthias Richards, John Roane, Erastus Root, Ebenezer Sage, Thomas Sammons, Ebenezer Seaver, Adam Seybert, Samuel Shaw, Dennis Smelt, John Smilie, George Smith, Henry Southard, John Taylor, Uri Tracy, Charles Turner, junior, Robert Weakley, Robert Whitehill, Richard Winn, and Robert Witherspoon.

The reading of the bill as amended was called for; but it was said that the bill had been sent to the Clerk's office to be engrossed.

It was said by several members, amongst whom were Messrs. QUINCY, KEY, DANA, WHEATON, and others, that it was inadmissible to engross a bill before an order had passed the House for that purpose.

Mr. FISK reminded gentlemen of the bill for the relief of Mrs. Hamilton, in relation to which that course had been pursued; for the bill had been engrossed, perhaps by desire of gentlemen who now objected to this course, before an order had passed the House for the purpose.

Mr. QUINCY insisted on the immediate reading of the bill, as a right he possessed as a member of the House. Objection was made to the reading, on the ground that it was only intended to embarrass and delay the proceedings of the House. The objection was, however, withdrawn and the bill with the amendments read.

Mr. POTTER moved to amend the amendment made to the bill by striking out "fifty," per cent. and inserting "twenty."

The motion was declared out of order, as it went to strike out a part of an amendment already agreed to.

The question was then put, "Shall the bill be engrossed and read a third time?" and carried—yeas 60, nays 18, as follows:

YAYS—Willis Alston, junior, William Anderson, Ezekiel Bacon, David Bard, Burwell Bassett, Adam Boyd, John Brown, William A. Burwell, William Butler, Joseph Calhoun, Matthew Clay, John Clopton, James Cochran, James Cox, William Crawford, Richard Cutts, John Dawson, Joseph Desha, Jonathan Fisk, Meshack Franklin, Barzillai Gannett, Gideon Gardner, Thomas Gholson, Peterson Goodwyn, James Holland, Benjamin Howard, Jacob Hufty, Richard M. Johnson, John Love, Aaron Lyle, Samuel McKee, John Montgomery, Nicholas R. Moore, Jeremiah Morrow, Gurdon S. Mumford, Roger Nelson, John Nicholson, John Porter, John Rea of Pennsylvania, John Rhea of Tennessee, Matthias Richards, John Roane, Erastus Root, Ebenezer Sage, Thomas Sammons, Ebenezer Seaver, Adam Seybert, Samuel Shaw, Dennis Smelt, John Smilie, George Smith, Henry South-

ard, John Taylor, Uri Tracy, Charles Turner, junior, Robert Weakley, Robert Whitehill, Richard Winn, and Robert Witherspoon.

NAYS—William W. Bibb, James Breckenridge, David S. Garland, Nathaniel A. Haven, Daniel Heister, William Kennedy, Robert Marion, Benjamin Pickman, junior, Timothy Pitkin, junior, Elisha R. Potter, Josiah Quincy, Daniel Sheffey, Samuel Smith, Richard Stanford, Jacob Swoope, Laban Wheaton, Ezekiel Whitman, and James Wilson.

And the bill was ordered to be read a third time to-morrow, by a small majority, in preference to to-day.

The House then adjourned at ten o'clock after a session of twelve hours.

During the session various questions arose on points of order and on the construction of different provisions of the bill, which were discussed in so desultory a manner as to preclude a detail of them.

THURSDAY, April 19.

Mr. RHEA, from the managers appointed on the part of this House to attend a conference with the managers on the part of the Senate on the disagreeing votes of the two Houses on an amendment of the Senate to the bill, entitled "An act regulating the Post Office Establishment," reported that they have had a conference on the subject committed to them, and have not been able to come to any agreement.

A motion was then made by Mr. RHEA that the House do adhere to their disagreement to the fourth amendment of the Senate to the bill before mentioned; which motion was ordered to lie on the table.

A motion was made by Mr. DANA that the House do come to the following resolution:

Resolved, That the Postmaster General be directed to lay before this House a statement of the respective number of post offices, and the sums received for postages, with the compensation of the deputy postmasters in the several States and Territories; and also the charge for conveyance of the mail, and the net revenue of the Post Office Establishment in every year, from the fourth of March, one thousand seven hundred and eighty-nine, to the end of the year one thousand eight hundred and nine; together with information respecting the extent of the post roads.

The resolution was read, and ordered to lie on the table.

A motion was made by Mr. LOVE, and the question being put, that the House do now proceed to the consideration of a resolution proposed by him, on the eighteenth instant, it was determined in the negative.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act for the relief of persons imprisoned for debt." They have also passed the bill, entitled "An act concerning invalid pensioners," with amendments; to which they desire the concurrence of this House.

The following letter was received from the Secretary of the Treasury:

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TREASURY DEPARTMENT, April 17, 1810.

SIR: In obedience to the resolution of the House, I have the honor to transmit a report in part, on the subject of American manufactures.

Some important information has been obtained; but it is in general partial and defective: and it would have been desirable that the report might have been delayed to the next session.

Permit me to observe that the approaching census might afford an opportunity to obtain detailed and correct information on that subject; provided that the deputy marshals were directed by Congress to collect it and to make returns in such form as would be prescribed.

I have the honor to be, &c.,

ALBERT GALLATIN.

To the Hon. SPEAKER of the House of Reps.

On motion of Mr. BACON, one thousand copies of the report were ordered to be printed, and it was referred to a select committee, with a view to the consideration of the suggestion as to authorizing the marshals, deputies, &c., to assist in obtaining information as to manufactures.

PROTRACTION OF SESSION.

On motion of Mr. SMILIE the House resumed the consideration of the resolution laid on the table by him, for rescinding the vote of adjournment.

On the suggestion of Mr. GHOLSON, Mr. SMILIE modified his motion, so as to direct an adjournment on the first of May.

Mr. DAVENPORT moved to strike out "the first of May," and insert "thirtieth of April."—Negatived, 46 to 36.

Mr. NELSON moved that the resolution lie on the table.—Lost, 44 to 37.

Mr. STANFORD moved to strike out "first of May," and insert "twenty-first of April."—Lost, ayes 11.

Mr. DANA said he should vote against the resolution for two reasons: 1st—because, if Congress were to remain in session a week longer in consequence of any information from Europe, they should have it officially from the proper authority of the United States before they could act on such a suggestion; 2dly—because a protraction of the session would operate also to protract a system of commercial restriction operative to no good and much evil.

The resolution to rescind was passed—yeas 59, nays 47, as follows:

YEAS—Willis Alston, jun., William Anderson, Ezekiel Bacon, David Bard, Burwell Bassett, William W. Bibb, Adam Boyd, John Brown, William Butler, Joseph Calhoun, Matthew Clay, James Cochran, Orchard Cook, William Crawford, Richard Cutts, John Dawson, Joseph Desha, William Findley, Jonathan Fisk, Meshack Franklin, Barzillai Gannett, Gideon Gardner, David S. Garland, Thomas Gholson, Peterson Goodwyn, Benjamin Howard, Walter Jones, William Kennedy, John Love, Aaron Lyle, Nathaniel Macon, Robert Marion, Alexander McKim, Pleasant M. Miller, Wm. Milnor, John Montgomery, Nicholas R. Moore, Jeremiah Morrow, Gurdon S. Mumford, Thomas Newton, John Nicholson, John Rea of Pennsylvania, John Rhea of Tennessee, John Roane, Ebenezer Sage,

Thomas Sammons, Adam Seybert, Daniel Sheffey, Dennis Smelt, John Smilie, John Smith, Samuel Smith, Jacob Swoope, John Taylor, John Thompson, George M. Troup, Charles Turner, junior, Richard Winn, and Robert Witherspoon.

NAYS—James Breckenridge, Robert Brown, William Chamberlin, Epaphroditus Champion, John Clopton, James Cox, Samuel W. Dana, John Davenport, junior, William Ely, Thomas R. Gold, William Hale, Nathaniel A. Haven, Daniel Heister, Jacob Hufty, Richard Jackson, junior, Robert Jenkins, Herman Knickerbacker, Joseph Lewis, junior, Edward St. Loe Livermore, Matthew Lyon, Vincent Matthews, Roger Nelson, Joseph Pearson, Benjamin Pickman, junior, Timothy Pitkin junior, Elisha R. Potter, Josiah Quincy, John Randolph, Matthias Richards, Erastus Root, Ebenezer Seaver, Samuel Shaw, George Smith, Henry Southard, Richard Stanford, James Stephenson, Samuel Taggart, Benjamin Tallmadge, Uri Tracy, Jabez Upham, Archibald Van Horn, Killian K. Van Rensselaer, Robert Weakley, Laban Wheaton, Robert Whitehill, Ezekiel Whitman, and James Wilson.

COMMERCIAL INTERCOURSE.

The engrossed bill concerning commercial intercourse between the United States and Great Britain and France, and for other purposes, was read a third time, and the question having been stated, "Shall this bill pass?" Mr. QUINCY opposed the bill at great length.

Mr. PITKIN followed on the same side.

Mr. DANA also spoke at considerable length against the bill.

Mr. COCHRAN moved that the fourth section of the same be recommitted to a Committee of the whole House; and it was determined in the negative.

Mr. DANA objected that the fourth section of the same ought not, at this time, to be discussed or voted upon in the House; for that it was a motion or proposition for a tax or charge upon the people, which was not made and offered until yesterday, and has not since that day been discussed in a Committee of the whole House.

Mr. SPEAKER decided that the bill having been reported by a Committee of the whole House, and passed to a third reading, and having been read a third time, and the only question being, "Shall the bill pass?" he conceived that, at this stage of the bill, the objection cannot lie.

From which decision of the Chair, Mr. DANA appealed to the House. And, on the question, "Is the decision of the Chair correct?" it was resolved in the affirmative—yeas 67, nays 37, as follows:

YEAS—Willis Alston, junior, William Anderson, Ezekiel Bacon, David Bard, Burwell Bassett, William W. Bibb, Adam Boyd, John Brown, Robert Brown, William A. Burwell, William Butler, Matthew Clay, John Clopton, Howell Cobb, James Cochran, Orchard Cook, James Cox, William Crawford, Richard Cutts, John Dawson, Joseph Desha, William Findley, Jonathan Fisk, Meshack Franklin, Barzillai Gannett, Gideon Gardner, Thomas Gholson, Peterson Goodwyn, James Holland, Benjamin Howard, Jacob Hufty, Richard M. Johnson, William Kennedy, John Love, Aaron Lyle, Samuel McKee, Alexander McKim, Plea-

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sant M. Miller, John Montgomery, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, Gurdon S. Mumford, Roger Nelson, Thomas Newton, John Nicholson, John Porter, John Rea of Pennsylvania, John Rhea of Tennessee, Matthias Richards, John Roane, Erastus Root, Ebenezer Sage, Thomas Sammons, Ebenezer Seaver, Adam Seybert, Samuel Shaw, John Smilie, George Smith, John Smith, Henry Southard, John Taylor, John Thompson, Uri Tracy, Charles Turner, jr., Robert Weakley, and Robert Whitehill.

NAYS—James Breckenridge, John Campbell, William Chamberlin, Samuel W. Dana, John Davenport, junior, William Ely, James Emott, Thomas R. Gold, William Hale, Nathaniel A. Haven, Richard Jackson, junior, Robert Jenkins, Herman Knickerbacker, Joseph Lewis, junior, Edward St. Loe Livermore, Nathaniel Macon, Vincent Matthews, Archibald McBryde, William Milnor, Jonathan O. Moseley, Joseph Pearson, Benjamin Pickman, junior, Timothy Pitkin, junior, Elisha R. Potter, Josiah Quincy, John Randolph, Daniel Sheffey, Samuel Smith, Richard Stanford, John Stanley, James Stephenson, Jacob Swoope, Samuel Taggart, Archibald Van Horn, Killian K. Van Rensselaer, Laban Wheaton, and James Wilson.

The question was taken on the passage of the bill about five o'clock and carried—yeas 61, nays 40, as follows:

YEAS—Willis Alston, junior, Ezekiel Bacon, David Bard, Adam Boyd, John Brown, Robert Brown, William A. Burwell, William Butler, Joseph Calhoun, John Clopton, Howell Cobb, James Cochran, Orchard Cook, James Cox, William Crawford, Richard Cutts, John Dawson, Joseph Desha, William Findley, Jonathan Fisk, Meshack Franklin, Barzillai Gannett, Gideon Gardner, Thomas Gholson, Peterson Goodwyn, James Holland, Benjamin Howard, Jacob Hufty, Richard M. Johnson, John Love, Aaron Lyle, Samuel McKee, Alexander McKim, Pleasant M. Miller, John Montgomery, Nicholas R. Moore, Jeremiah Morrow, Roger Nelson, John Nicholson, John Porter, John Rea of Pennsylvania, John Rhea of Tennessee, Matthias Richards, John Roane, Erastus Root, Ebenezer Sage, Thomas Sammons, Ebenezer Seaver, Adam Seybert, Dennis Smelt, John Smilie, George Smith, John Smith, Henry Southard, John Taylor, John Thompson, Chas. Turner, junior, Robert Weakley, Robert Whitehill, Richard Winn, and Robert Witherspoon.

NAYS—William W. Bibb, James Breckenridge, William Chamberlin, Epaphroditus Champion, Matthew Clay, Samuel W. Dana, John Davenport, junior, William Ely, James Emott, David S. Garland, Thomas R. Gold, William Hale, Nathaniel A. Haven, Daniel Heister, Richard Jackson, junior, Robert Jenkins, William Kennedy, Joseph Lewis, junior, Edward St. Loe Livermore, Nathaniel Macon, Archibald McBryde, William Milnor, Thomas Moore, Jonathan O. Moseley, Benjamin Pickman, junior, Timothy Pitkin, junior, Elisha R. Potter, Josiah Quincy, Daniel Sheffey, Samuel Smith, Richard Stanford, John Stanley, James Stephenson, Jacob Swoope, Benjamin Tallmadge, Jabez Upham, Archibald Van Horn, Killian K. Van Rensselaer, Laban Wheaton, and James Wilson.

Resolved, That the title be, "An act concerning the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes."

FRIDAY, April 20.

The House proceeded to consider the bill continuing in force, for a term of twenty years, the act, entitled "An act to incorporate the subscribers to the Bank of the United States," on the terms and conditions therein mentioned: When, on motion of Mr. RANDOLPH, the bill was ordered to lie on the table.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act to establish post roads," with amendments; to which they desire the concurrence of this House.

GENERAL WILKINSON.

The SPEAKER laid before the House the following letter, which was read:

WASHINGTON, April 19, 1810.

SIR: After a tedious passage from New Orleans I arrived at Baltimore on the 16th instant, and reached this city the next day. My absence has been necessarily protracted by the selection of papers, from a mass of twenty years accumulation, for the establishment of facts, to refute the multifarious and diversified calumnies by which I have been assailed.

I now present myself to the Representative Body of the nation, the guardians of the public weal and the protectors of individual rights, to express my earnest desire that they may constitute some impartial tribunal, which may be governed with strictness by the principles of the Constitution and the laws of evidence, to investigate the conduct of my whole life, civil and military, whereby justice may be done, and my unexampled persecution be terminated.

I aver my innocence of the foul offences which are imputed to me, and declare my ability to support it before any unprejudiced court. Through you, sir, I appeal to my country, and I claim that right which is not refused to the most profligate—the right of confronting my accusers. The Representatives of the people will not, I am persuaded, suffer a fellow-citizen who has been devoted to the public service more than twenty-five years, and has nothing left him but conscious fidelity and attachment to his native country, to sue in vain for justice.

The enclosed letter to the Secretary of War was written anterior to the receipt of my notification of recall from the command on the Mississippi, and will evince my readiness and my desire for a full investigation of my conduct.

With perfect respect, I have the honor to be, sir, your obedient servant,

JAMES WILKINSON.

Hon. J. B. VARNUM, *Speaker, &c.*

COLUMBIA SPRING, October 18, 1809.

SIR: Having received information that certain imputations have been alleged against me by the late Captain George Peter and certain subalterns in office, which are calculated to affect my character as a military officer, it is my earnest desire that a court of inquiry should be ordered to examine into my conduct from the commencement of my military service, with injunctions to report an opinion. Or, should my enemies have been hardy enough to prefer formal charges against me, which are deemed worthy of investigation, that an arrest may ensue and a general court martial be appointed for my trial.

In making this request I am moved by a consciousness of my integrity, by a sacred regard to my charac-

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ter, and the self-conviction that I have served my country with zeal and fidelity, and that I have never deceived it; disclaiming at the same time all advantages to be derived from any act or clause of limitation.

But as this has been the theatre of my command, generally, for eleven years past; as my companions in service and the evidence of my conduct (many of whom have returned to the walks of private life) are now in this country; it will be impossible for me to command at any distant point the testimony necessary to rebut the fictions or falsehoods of my enemies, or to illustrate my humble services as a public officer: I therefore hope the request may not be deemed an unreasonable one, that the inquiry or court martial should be held at some military post within this Territory; the more particularly as the main body of the army is here, and a suitable court can be formed with more convenience to individuals who may compose it, and with the less expense to the public.

A general officer to relieve me from command, and to preside at the inquiry, will be the only person necessary to be ordered out; and, under the circumstances, I flatter myself no gentleman in commission will deem this duty a hardship. With perfect respect, I am, &c.

JAMES WILKINSON.

Hon. SECRETARY OF WAR.

NAVAL ESTABLISHMENT.

Mr. RANDOLPH, from the committee to whom was referred the resolution respecting the reduction of the Naval Establishment, reported the following bill; which was twice read, and referred to a Committee of the Whole:

A bill to reduce the Naval Establishment of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the Naval Establishment of the United States shall be and the same is hereby reduced in the manner following:

It shall be the duty of the Secretary of the Treasury, under the direction of the President of the United States, to proceed to sell all the gunboats in the service of the United States, with their tackle and apparel: *Provided, That the guns and other warlike equipments of said gunboats shall be retained and preserved.*

It shall be the further duty of the said Secretary, under the direction aforesaid, to cause to be sold all the frigates of the United States, (three only excepted, which the President shall designate,) with their tackle and apparel, guns and warlike equipments excepted, which shall be retained and preserved.

It shall be the further duty of the said Secretary, under the direction aforesaid, to cause to be sold all the other armed vessels of the United States, (three only excepted, which the President of the United States shall designate) with their tackle and apparel, guns, and warlike equipments excepted, which shall be retained and preserved.

Sec. 2. *And be it further enacted, That the officers and seamen now in the service of the United States shall be and they hereby are discharged from the said service, such number only excepted as may be sufficient to officer and man the ships of war retained in the public service, in virtue of the preceding section: Provided, That to each officer and seaman who shall be discharged by virtue of this act, there shall be allowed and paid, in addition to the sum to which they will be entitled at the time of such discharge, — months pay*

Sec. 3. *And be it further enacted, That, from and after the — day of — next, the several navy yards of the United States (those of Boston, New York, and Norfolk, only excepted) shall be disused, and all the expenses incident to the same shall cease and determine: Provided, That the Secretary of the Navy be and he hereby is authorized to employ some discreet person, in each navy yard so disused and discontinued, at a rate of compensation not exceeding one dollar per day, to take care of the buildings, enclosures, and public property, on the same.*

Sec. 4. *And it further enacted, That, from and after the passage of this act, the Marine Corps shall consist of two companies only of — men, one captain and three subalterns each: Provided, That to each officer and marine, who shall be discharged by virtue of this act, there shall be allowed and paid, in addition to the sum to which they will be entitled at the time of their discharge, — months pay.*

BANK OF THE UNITED STATES.

The House resumed the consideration of the bill to continue the charter of the Bank of the United States for a term of years on the conditions therein prescribed.

Mr. SWOOPÉ moved to strike out the proviso containing the conditions on which the charter should be renewed, and to insert in lieu thereof the following:

Provided, That on the 4th day of March, 1811, the President and Directors of the said Bank of the United States shall be and they are hereby authorized to add to the capital stock of said bank twelve thousand five hundred shares, and for which the United States shall become the subscriber and owner: Provided, also, That the President and Directors of the said bank shall receive in payment therefor the sum of five millions of dollars in stock of the United States, bearing an interest of three per centum per annum, payable quarter yearly, and redeemable at the pleasure of the Government, which stock as aforesaid the Secretary of the Treasury is hereby authorized to issue and pay over to the said President and Directors on receiving from them a transfer in behalf of the United States of the 12,500 shares as aforesaid: Provided, also, That the United States shall be authorized at any time after the 4th day of March, 1811, to increase the capital stock of said bank in such manner as may hereafter be prescribed by law, and for which the United States shall become a subscriber and owner to an amount not exceeding twelve thousand five hundred shares: Provided, nevertheless, That such addition to the capital stock shall not be made at the time aforesaid, unless the average dividends for the three years preceding that period shall have amounted to 8 per cent. on the capital stock of the bank; and after the said 4th day of March, 1811, the Secretary of the Treasury shall be a director of said bank ex officio.

This motion was opposed by Messrs. TAYLOR, FINDLEY, PITKIN, MUMFORD, STANLEY, QUINCY, KEY, and TALLMADGE, and supported by Messrs. SWOOPÉ and LOVE.

Before a question was taken on the motion, the House adjourned.

SATURDAY, April 21.

The bill sent from the Senate, entitled "An act supplementary to an act, entitled 'An act for the

relief of persons imprisoned for debt," was read twice, and committed to a Committee of the Whole on Wednesday next.

The House proceeded to consider the vote of adherence of the Senate to their amendments to the bill, entitled "An act to examine into the title to the batture in front of the suburb St. Mary." When it was, on motion of Mr. POINDESTER, ordered that the further consideration of the said bill and amendments be postponed indefinitely—46 to 22.

BANK OF THE UNITED STATES.

The House resumed the consideration of the unfinished business of yesterday, to wit: The question on an amendment proposed by Mr. SWOOPÉ to the bill continuing in force, for a term of twenty years, the act, entitled "An act to incorporate the subscribers of the Bank of the United States," &c.

A division of the question on the said amendment was called for: When a motion was made by Mr. LOVE that the said bill be postponed indefinitely. And, the question being taken thereon, it was determined in the negative—yeas 46, nays 67, as follows:

YEAS—William Anderson, David Bard, Burwell Bussett, Adam Boyd, John Brown, Robert Brown, William A. Burwell, William Butler, Joseph Calhoun, Matthew Clay, John Clopton, Howell Cobb, Orchard Cook, James Cox, William Crawford, Joseph Desha, Meshack Franklin, Thomas Gholson, James Holland, Benjamin Howard, Jacob Hufty, Richard M. Johnson, John Love, Nathaniel Macon, Samuel McKee, Alexander McKim, John Montgomery, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, John Porter, John Rea of Pennsylvania, John Rhea of Tennessee, John Roane, Ebenezer Seaver, Adam Seybert, George Smith, Samuel Smith, Henry Southard, Richard Stanford, George M. Troup, Archibald Van Horn, Robert Weakley, Robert Whitehill, and Robert Witherspoon.

NAYS—Willis Alston, jun., Ezekiel Bacon, Daniel Blaisdell, James Breckenridge, John Campbell, William Chamberlin, Epaphroditus Champion, James Cochran, Richard Cutts, Samuel W. Dana, John Davonport, junior, William Ely, James Emott, William Findley, Barzillai Gannett, Gideon Gardner, David S. Garland, Thomas R. Gold, Nathaniel A. Haven, Daniel Heister, Richard Jackson, junior, Robert Jenkins, Walter Jones, William Kennedy, Philip B. Key, Herman Knickerbacker, Joseph Lewis, junior, Matthew Lyon, Aaron Lyle, Robert Marion, Vincent Matthews, Archibald McBryde, Pleasant M. Miller, William Milnor, Jonathan O. Moseley, Gurdon S. Mumford, Thomas Newton, John Nicholson, Joseph Pearson, Benjamin Pickman, junior, Timothy Pitkin, junior, Elisha R. Potter, Josiah Quincy, Matthias Richards, Erastus Root, Ebenezer Sage, Thomas Sammons, Samuel Shaw, Daniel Sheffey, Dennis Smelt, John Smilie, John Smith, John Stanley, James Stephenson, Jacob Swoopé, Samuel Taggart, Benjamin Tallmadge, John Taylor, John Thompson, Uri Tracy, Charles Turner, jun., Jabez Upham, Killian K. Van Rensselaer, Laban Wheaton, and James Wilson.

The question was then taken on the first member of the motion of Mr. SWOOPÉ, to wit: to strike out in the ninth line, first section, from the

word "next" to the word "share" in the sixty-second line; and determined in the negative.

The second member of the said motion failed of course.

Mr. LOVE moved to amend the said bill by striking out the following words, contained in the first section thereof:

"That the act, entitled 'An act to incorporate the subscribers to the Bank of the United States,' passed the twenty-fifth day of February, in the year of our Lord seventeen hundred and ninety-one, subject to the provisions and conditions in this act to be made, be, and the same is hereby, continued in force, for and during the further term of twenty years, from and after the fourth day of March next: *Provided*, That the President and Directors of the said Bank of the United States shall, on or before the thirty-first day of December next, pay into the Treasury of the United States one million two hundred and fifty thousand dollars as the price and equivalent for the renewal and continuance of their charter as aforesaid; and the better to enable the said President and Directors of the said Bank to pay the said sum of money, the said President and Directors of the Bank of the United States shall be, and they are hereby, authorized to add to the capital stock of said Bank two thousand five hundred shares, and to sell and dispose of the same at such time and in such manner, and at such price as they may think proper, and for the most advantage for the interest of their said company: *Provided, also*, That the said President and Directors of the said Bank shall, at all times, from and after the passage of this act, and during the continuance of the same, be bound and obliged to make a loan or loans to the United States, if required and authorized by law, of any sum or sums of money not exceeding in the whole at any one time five millions of dollars, and at a rate of interest not exceeding six per centum per year: *Provided*, That it shall be the duty of the Secretary of the Treasury of the United States to make his application, in writing, to the President and Directors of said Bank, for such loan or loans, at least three calendar months previous to the time when such loan or loans shall be required; and that the said President and Directors of the said Bank shall not be required to make a loan of more than two millions five hundred thousand dollars during the present year, nor more than the last-mentioned sum during any other year: *Provided, also*, That the President and Directors of the said Bank shall, from and after the fourth day of March, eighteen hundred and eleven, pay to the United States an interest at the rate of three per centum per year on all sums of money above the sum of three millions of dollars, which shall accumulate to the credit of the Treasurer of the United States, in the said Bank or in any of the branches of said Bank, and which shall remain there for one whole year: *Provided*, That it shall be the duty of the Secretary of the Treasury of the United States, from time to time, to give notice in writing to the President and Directors of the said Bank, at least sixty days before the term or time at which said interest to be paid as aforesaid shall be considered to commence and begin to accrue: which notice in writing shall specify the precise amount of the deposit so to remain for one whole year as aforesaid: *Provided, also*, That the United States shall be authorized, at any time during the continuance of this act, to increase the capital stock of said Bank in such manner as may hereafter be prescribed by law, and for which the United States shall

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become the subscriber and owner, to an amount not exceeding in the whole — shares, and not exceeding in any one year — shares: *Provided*, That the shares thus to be added and subscribed for on behalf of the United States, shall not be sold by the United States at a price less than — for each share: *And provided, also*, That nothing in this act contained, nor in the act intended to be continued in force by this act, shall be construed to restrict or prevent the United States from incorporating any bank or banks in the District of Columbia: *Provided*, That any bank to be incorporated by the United States, in the District of Columbia, shall be restricted from extending any branch thereof beyond and without the limits of the said Territory."

For the purpose of inserting the following:

"In case no law shall be enacted by Congress before the fourth day of March, one thousand eight hundred and eleven, authorizing the further continuation of the charter of the company of the United States' Bank, the said company shall notwithstanding be authorized, and they hereby are authorized, to continue, for the space of two years from that date, their loans which shall on that day be in existence, by renewing the same, or otherwise, in the manner now practised in the said Bank, and the branches thereof, to sue and be sued, and do all other matters and things which the said company is now able to do: *Provided*, That the said company shall not issue or alter any bank note signed by the President of the said Bank, or in any other manner create or alter, after the said fourth day of March, any note or other currency under the authority of the said Company or Directors or any of them; and that, after that date, the notes which may be in circulation shall not be receivable in payments due to the United States, unless made so by a law hereafter enacted."

A division of the question on the said amendment was called for; and, on the question to strike out, it was determined in the negative—yeas 34, nays 73, as follows:

YEAS—William Anderson, David Bard, Burwell Bassett, Adam Boyd, John Brown, Robert Brown, William A. Burwell, Joseph Calhoun, John Clopton, Howell Cobb, Orchard Cook, William Crawford, Joseph Desha, David S. Garland, Thomas Gholson, Peterson Goodwyn, James Holland, John Love, Alexander McKim, John Montgomery, Nicholas R. Moore, Thomas Moore, Thomas Newton, John Porter, John Rhea of Tennessee, John Roane, Ebenezer Seaver, Samuel Smith, Henry Southard, Richard Stanford, George M. Troup, Archibald Van Horn, Robert Whitehill, and Robert Witherspoon.

NAYS—Willis Alston, junior, Ezekiel Bacon, William W. Bibb, Daniel Blaisdell, James Breckenridge, John Campbell, Wm. Chamberlin, E. Champion, James Cochran, James Cox, Richard Cutts, Samuel W. Dana, John Davenport, jun., Wm. Ely, James Emott, William Findley, Jonathan Fisk, Meshack Franklin, Barzillai Gannett, Gideon Gardner, Thomas R. Gold, William Hale, Nathaniel A. Haven, Benjamin Howard, Jacob Hufty, Richard Jackson, junior, Robert Jenkins, Walter Jones, William Kennedy, Philip B. Key, Herman Knickerbacker, Joseph Lewis, junior, Matthew Lyon, Aaron Lyle, Robert Marion, Vincent Matthews, Archibald McDryde, Samuel McKee, Pleasant M. Miller, William Milnor, Jeremiah Morrow, Jonathan O. Moseley, Gurdon S. Mumford, John

Nicholson, Joseph Pearson, Benjamin Pickman, jun., Timothy Pitkin, jun., Elisha R. Potter, Josiah Quincy, John Rea of Pennsylvania, Matthias Richards, Erasmus Root, Ebenezer Sage, Thomas Sammons, Adam Seybert, Samuel Shaw, Daniel Shelley, Dennis Swelt, John Smilie, George Smith, John Smith, John Stanley, James Stephenson, Jacob Swoope, Samuel Taggart, Benjamin Tallmadge, John Taylor, Uri Tracy, Charles Turner, jr., Jabez Upham, Killian K. Van Rensselaer, Laban Wheaton, and James Wilson.

The second member of the said motion failed of course.

Mr. TROUP said gentlemen might pass the bill, but for the Constitutional question. If they did pass it, he hoped they would not permit themselves to become the retailing hucksters of the community for the sale of bank charters. In the name of common honesty, said he, I beseech you, what power have you to sell a charter? There is power in the Constitution to sell the public property; but there is certainly no power to sell privileges of any kind. I therefore move you to strike out the bribe, the douceur, the bonus, as gentlemen call it, of \$1,250,000.

Mr. TAYLOR said, that with respect to the principle of the Government's receiving a bonus for this monopoly, (for he said it unquestionably was a monopoly,) those who were disposed to continue this charter justified their conclusion from the instrument under which they acted—under that clause which says that Congress shall have power to pass all laws necessary and proper to carry into effect the powers granted. If (said Mr. T.) one banking institution be necessary and proper, and answers the purpose of aiding us in the temporary loans it may be found advantageous to indulge in, and we act under these terms, when we have fulfilled those terms and created an institution coming up to the definition of necessary and proper, the power then ceases. This being a monopolizing institution, being so although a handmaid to the Government, it was deemed fair, according to the principles of national justice, that they should pay to the community and to the people of the United States, an equivalent for that advantage, and this decision of the committee was justified not only by the example of other Governments (for gentlemen have quoted instances in which the Bank of England has given a bonus for the extension of its charter) but by the practice of the different States, for it has been uniformly the practice of some States to receive a bonus from these monopolizing institutions. Unquestionably, if benefit conferred requires a return in value, it is right and proper that the Government should exact from that monopolizing institution a bonus. But, sir, this course is not only justified by the practice of the State governments, but by the practice of the Republican Administration of Mr. Jefferson. The Government of the United States possessed a number of shares in the Bank of the United States, each representing, as each of these does, four hundred dollars; yet that Administration transferred this paper at an advanced price. If the principle of disposing of these shares be correct, it will equally apply to

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all the shares in the institution. What right had the Secretary of the Treasury, or person acting for him, to demand 45 per cent. above the real specie capital for the bank stock? In transferring the stock, did not the Government on that occasion receive a bonus? Unquestionably they did. If they receive a bonus as to some shares, can they not with equal honesty receive it as to the whole number of shares?

But it does not require refinement to justify the course which it is proposed to pursue. The thing is worth something. You are offered something for it. There is no oppression in it. If you could at once put in requisition so much money of the stockholders, and put it in the pockets of the United States, it would be oppression. But here is a fair choice offered to them, whether they will take the charter, giving a bonus for it, or reject it. It is perfectly a matter of choice; and from the arguments of some gentlemen opposed to the bill, so far from being unwilling to give so much, it would seem that the stockholders ought to give much more for the renewal of the charter. I am desirous to receive a *quid pro quo*. The arguments about foreign stockholders have had so much effect on me, that I would not continue this institution, unless Government received a benefit from it. It is unquestionably true, that the habits, manners, and decisions of nations have established a common course of proceeding on this subject, and we must act according to custom. We now value a dollar at so much, and a piece of iron at so much. The custom of nations has given us a sort of common law control over these institutions, and we must act with them as other nations do. I do not consider it a "bribe" that I or the Government are about to receive. On the contrary, I think it a fair bargain. There seems to be no disposition to abate a farthing, but to have the value and nothing less. I do not wish to have more. The provisions of this bill, with some amendments, will give the transaction a character of perfect fairness.

Mr. SMILE said that on this question he differed materially from his friend on his left. The word "bribe" was not applicable to the bargain now about to be made. I take it for granted (said he) there is but one ground on which the Legislature is justified in granting a monopoly; and that is, that it is necessary in the operations of the Government. If that be the case, we certainly have a right in granting that monopoly, to make the best bargain for our own interest which we can, always remembering that we consider the thing necessary and proper in itself. As that is my opinion, I think it a fair transaction, in making the bargain with the company, to obtain as great advantage to the Government as the justice of the case will admit; and this is a thing we have done before. It will be recollected when the State of Ohio, then a Territory, was made a State, we found it very inconvenient to the Government that they should possess the power of taxing our lands. We made a proposition to them that if they would not tax our lands for a

certain number of years, we would do certain other things. The bargain took place. We have derived an advantage from it, at the same time that we paid them a price for it. The consequence fairly follows that we ought to grant this necessary charter on such terms as are just, both with respect to the country and the Government, and derive as much advantage as we can from it.

Mr. TROUP said he forbore at present going into the question of constitutionality. He had no idea that he could, with any efficacy whatever, stand up on this floor, with such a weapon as an argument, to contend with a moneyed institution of ten millions. If I am not disposed to go into the general question of constitutionality, said he, I am as certainly indisposed to derive this power from the power to pass all laws necessary and proper. I am the more reluctant to do so, because it is a dangerous power, and ought not to be derived by implication. I say that the power is dangerous, for if it be conceded that the Congress of the United States have a right to erect a moneyed institution with a capital of ten or twenty millions, it is competent to erect one with a capital of a hundred millions. It may be competent therefore to the United States to raise a corporation more powerful than itself—a moneyed institution which may absorb all the powers of the State. And this principle as a precedent will be more dangerous in this case, because the temptation is so much greater in proportion to the amount of capital. I do contend that if the Constitution did intend to grant the power of chartering moneyed institutions, it did not intend to grant it for the purposes of speculation, and of speculation merely. Sell privileges! Sell for \$1,250,000 the exclusive privilege of taking usurious interest on money! I thought, sir, that the power of selling privileges and indulgencies was exclusively the right and power of the Pope. I ask gentlemen on what authority they act? On none of morality certainly—but on what authority? On that of the corrupt Government of England. Servile imitators of England, we must have a national bank! And why not an East India Company? We could sell a charter tomorrow for millions. We could sell chartered privileges for almost as much as we should choose to ask. If we become the retailers of privileges, we shall go on to sell them till we overdo the business; and when this great national source of revenue, after becoming our chief and only resource, had failed, to what resources for revenue should we be driven? Is it not a very rational inference, that it will be to the sale of all privileges we can derive from the Constitution a power to dispose of? If, sir, on any occasion you would set up in the market privileges for sale to the highest bidder, even do so with respect to privileges of every description. You would no more hesitate to set up for sale privileges of nobility than this privilege—but (I thank my God!) the Constitution has prohibited you. But for that, we should sell them now as we do bank privileges; we should go on to make it our chief resource, till by the cheapness of the title we should destroy

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the value of the trade. If we can draw money into the Treasury by bargain and sale of privileges, let it be understood that we will continue to foster it as our chief national resource. Having done with internal and direct taxes of all descriptions, because we considered them oppressive, this sale of privileges will be made the chief national resource.

I will add but one thing. The moment you accept this, \$1,250,000, you are bribed in the same manner as the British Parliament have suffered themselves to be corrupted. Like them we not only shamefully partake of the crime, but on our statute book acknowledge the fact.

Mr. KEY said that to him it clearly appeared within the power and limit of the Constitution to establish a bank, if necessary, for the collection of the revenue. Whether necessary or not, (said he,) is a question on which gentlemen must make up their minds; it would be only an unnecessary waste of time to argue it at length. My ideas on this subject, which I have never before delivered to the House, are plain and simple. I know not how far they may appear so to others; but I will explain them as they occur to me.

We need not look to the Constitution always for precise terms to justify an exercise of power, because it is but an enumeration of first principles. All we have to do is to examine whether, in what we do, we fall within the plain meaning of the Constitution. In the enumeration of specific powers given to Congress by this instrument, the first is to lay and collect taxes. Here is a clear unequivocal grant of power to lay taxes, imposts, and excises. In construing the general power, afterwards given, to make all laws necessary and proper, &c., the sound construction is to refer to the powers previously given; one of which is, as I have stated, to lay and collect taxes. The mode by which they are collected is not designated in the instrument. We have authority given us to make all laws necessary and proper to carry these powers into effect. The power of laying and collecting taxes is specifically given; but the mode is not stated. To collect is not merely the individual receipt, but the substantial collection into the Treasury. It does not simply give power to the collector of any port to receive the revenue, but a power to collate the revenue into a general deposit or focus. Is then a bank institution necessary in the judgment of gentlemen to draw together with greater facility and less cost these taxes? If there are those who think so, we can be at no loss to find express authority for it. We have a right to lay the taxes—the manner of levying or collecting them is not prescribed; and when lodged in the hands of the different collectors, how they are come into the common exchequer is nowhere described. Is the instrumentality of a bank necessary for the more speedy and less expensive collection of the revenue? If it be, all who think so are in my opinion constitutionally justified in voting for a bank.

In all this, I say nothing of the opinion of learned men on the subject. The act for establishing a bank was suspended some time for con-

sideration before it received the signature of Washington. It has been considered Constitutional by all the States—for I believe I may say that the States without exception have given legitimacy to the paper issued by the institution. If it was originally unconstitutional, and the paper was not capable of going abroad, every man punished for counterfeiting United States' bank notes, has suffered unjustly; because, in that case, Congress, having no right to create the charter of a bank, had no right to punish the forgery of its paper.

I say nothing of the stability of this institution and of its utility in collecting the revenue—if, after the lapse of twenty years, various acts have been done proceeding on the constitutionality of the law establishing the bank, I consider the subject one, which has been so acted on, that whatever obstacles are opposed on the ground of constitutionality should now be done away. But, laying this consideration aside, all those who believe that a bank is a speedy, safe, and economical mode of collecting money into the Treasury, must find authority for it in the Constitution. To have given the power to collect taxes, and not the best means of getting them into the Treasury in the most correct manner, would indeed have been an extraordinary feature in the Constitution—it would have been giving the end without the means to attain it. It would be giving a forced construction to the Constitution to say that it had done so.

I know that gentlemen think the collection of the revenue would be as well accomplished through the State banks. Those who think so justify their opinion only on reasons which to my mind show the constitutionality of the United States Bank, and prove that we have authority to use that instrument if we think proper and deem it the most eligible. We are the grantors of power. By whom is it executed? Through the instrumentality of individuals and their funds. In using the instrument, we do create a benefit to the individuals, who, together with their friends, must be employed. For this benefit I can see nothing improper in receiving adequate compensation. And if it be a grant of a benefit, why not grant it to those who will give an equivalent for it.

Sir, the Constitution grants to Congress the power to secure to inventors of useful arts the exclusive right to their discoveries. We must not be misled by language or words. We sell privileges every day. Does not our Treasury receive benefits from the sale of these patents? And yet, according to the ideas of the gentleman from Georgia, we thus become the hucksters of privileges. But, lest the gentleman should not think that this case applies very strongly, I will call to mind a remarkable case—I know not how the gentleman voted on the law. We have incorporated a number of gentlemen to build a bridge across the Potomac, reserving as a bonus for this privilege the free passage of all armies, military munitions, &c., of the United States; which was exactly the same thing as receiving so much money. The Government is a body politic; its

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operations must be carried on by individuals ; and when individuals, incorporated for the purpose of receiving revenue, who use their hands and eyes in the business, receive too much emolument, I see nothing improper in requiring from them an equivalent in lieu of it. I hope therefore this part of the bill will not be struck out.

Mr. TROUP observed that the gentleman had said that the power to incorporate a bank was derived from the power to lay and collect revenue ; and that the power ought to be exercised, because banks give a facility to the collection of the revenue. If the power be exercised, it must be necessary and proper. If it be necessary to the collection of the revenue, the revenue cannot be collected without it. The gentleman from Maryland might say a bank institution was useful. He might say it would give facility to the collection of the revenue ; but facility and necessity are wholly different, and the Constitution says that a power, to be incidental, must be necessary and proper. If facility be a ground of action, we are greatly wide of the true policy. We ought to adopt that measure which shall give the greatest facility. The ingenious gentleman himself could sit down and in fifteen minutes devise half a dozen modes which would give infinitely more facility than a bank to the collection of the revenue. He might farm out the revenue ; establish farming districts ; put a farmer general at the head of them with a corps of Janissaries. The Secretary of the Treasury would have nothing to do but draw on him for a sum of money, and require it, or his head. This, sir, is a plan which would give the greatest possible facility. You could command money of the farmer general, or you could require his head. Himself and his Janissaries could always send the money ; or, if he did not, the people and the Janissaries could send his head.

The question was now taken on striking out the sum payable for the charter, and lost—yeas 35, nays 75, as follows :

YEAS—William Anderson, David Bard, Burwell Bassett, Adam Boyd, John Brown, Robert Brown, William A. Burwell, Matthew Clay, John Clopton, Howell Cobb, William Crawford, Joseph Desha, Meshack Franklin, Thomas Gholson, Peterson Goodwyn, James Holland, Benjamin Howard, John Love, Samuel McKee, Alexander McKim, John Montgomery, Nicholas R. Moore, Jeremiah Morrow, Thomas Newton, John Porter, John Rea of Pennsylvania, John Rhea of Tennessee, John Roane, Ebenezer Seaver, Adam Seybert, George M. Troup, Robert Weakley, Robert Whitehill, Richard Winn, and Robert Witherspoon.

NAYS—Willis Alston, jun., Ezekiel Bacon, William W. Bibb, Daniel Blaisdell, James Breckenridge, John Campbell, William Chamberlin, Epaphroditus Champion, James Cochran, James Cox, Samuel W. Dana, John Davenport, junior, William Ely, James Emott, William Findley, Jonathan Fisk, Barzillai Gannett, Gideon Gardner, David S. Garland, Thomas R. Gold, William Hale, Nathaniel A. Haven, Daniel Heister, Jacob Hufty, Richard Jackson, junior, Robert Jenkins, Walter Jones, William Kennedy, Philip B. Key, Herman Knickerbacker, Joseph Lewis, jr., Matthew Lyon,

Aaron Lyle, Nathaniel Macon, Robert Marion, Vincent Matthews, Archibald McBryde, Pleasant M. Miller, William Milnor, Thomas Moore, Jonathan O. Moseley, Gurdon S. Mumford, John Nicholson, Joseph Pearson, Benjamin Pickman, jr., Timothy Pitkin, jr., Elisha R. Potter, Josiah Quincy, John Randolph, Matthias Richards, Erastus Root, Ebenezer Sage, Thomas Sammons, Samuel Shaw, Daniel Shelley, Dennis Smelt, John Smilie, George Smith, John Smith, Henry Southard, Richard Stanford, John Stanley, James Stephenson, Jacob Swoope, Samuel Taggart, Benjamin Tallmadge, John Taylor, John Thompson, Uri Tracy, Charles Turner, junior, Jabez Upham, Archibald Van Horn, Killian K. Van Rensselaer, Laban Wheaton, and James Wilson.

A motion was made by Mr. TAYLOR, to insert the word "five," between the words "twenty" and "years," in the eighth line of the first section of the bill.

Whilst this motion was under debate, a motion was made to adjourn, and carried.

MONDAY, April 23.

Mr. SMILIE presented to the House certain proceedings of the Legislature of Pennsylvania, disapproving of a resolution of the Legislature of Massachusetts, proposing an amendment to the Constitution of the United States, limiting the duration of any act laying an embargo within the United States ; which were read, and ordered to lie on the table.

Mr. BASSETT, from the committee appointed on the fifth instant, on a letter from William Lambert, made a report thereon.

The consideration of the bill continuing in force, for a term of twenty years, the act, entitled "An act to incorporate the subscribers to the Bank of the United States," on the terms and conditions therein mentioned, was called for by Mr. TAYLOR : When it was, on motion of Mr. RHEA, postponed until to-morrow.

The House proceeded to consider the amendments of the Senate to the bill, entitled "An act to establish post roads ;" and the same being twice read, were concurred in by the House.

On motion of Mr. JOHNSON,

Ordered, That the amendments of the Senate to the bill, entitled "An act concerning invalid pensioners," together with the said bill, be committed to a Committee of the whole House.

The House then resolved itself into the said Committee ; and, after some time spent therein, the Committee rose, and reported their concurrence in the said amendments. The question was then taken that the House do concur with the Committee of the Whole in their concurrence in the said amendments, and resolved in the affirmative.

EXPENSES OF FOREIGN INTERCOURSE.

Mr. UPHAM said he had some time ago laid before the House a resolution calling for information respecting the expenses of foreign intercourse, and for an account of the manner in which moneys appropriated to that object had been applied ; but, owing to a suggestion that the information

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he wished for would be obtained by a committee already appointed, the resolution was ordered to lie on the table. He now held in his hand a resolution going more directly to his object. He said he had understood that a sum of money to the amount of about four thousand dollars had been advanced to a Mr. Short, as Minister at St. Petersburg, although his nomination had not been confirmed. Now if this was the case, he wanted to know the fact, and also from what fund the money had been applied. He therefore moved the following resolution:

Resolved, That the Secretary of the Treasury be directed to lay before the House a statement of any sum or sums of money for the outfit or compensation to William Short, as Minister or Agent from the United States to the Court of St. Petersburg, whether received directly from the Treasury, or from any of the bankers of the United States in Europe, and from what fund any such sum has been drawn; together with a statement of the authority or authorities under which the same may have been received, so far as the evidence exists in the Treasury Department.

Mr. GHOLSON inquired of the chairman of the committee of investigation whether this matter had come before that committee.

Mr. SHEFFEY replied that the inquiries of that committee were limited to the period between the 4th of March, 1801 and the 4th of March 1809. He understood that the expenditure on this account was not made until after the 4th of March, 1809, and therefore did not come within the power of that committee.

Mr. PITKIN said he hoped there would be but one mind on this subject. He said he had stated the other day that Mr. Short had received money for his mission from the hands of one of the bankers in Europe. If it was a fact, he said the House ought certainly to have the evidence of it before them.

Mr. W. ALSTON said he had no objection to this resolution. If it would give gentlemen the least gratification, he said he would state the facts as far as within his knowledge. The late President had appointed Mr. Short, Minister to Russia. Some banker in Europe had advanced about three thousand dollars to Mr. Short. Every one who understood the subject, must be satisfied, that the Secretary of State had directed the banker, who had money subject to his control, to pay that sum to Mr. Short. There was no evidence at the Treasury of the payment, but the returns of the bank. If the money had been paid without authority, it would unquestionably not be allowed by the accounting officers of the Treasury.

Mr. UPHAM said that although the gentleman's information might be very satisfactory to himself, he was desirous to have it officially from the proper department, and therefore wished his resolution to pass.

The resolution was agreed to without a division.

Mr. UPHAM said he had another resolution which he wished to offer to the consideration of the House. He wished to know the number and

names of Consuls of the United States residing at foreign ports. This would be valuable information to all the nation and to the representatives of the people particularly—and he hoped there would be no objection to the following resolution:

Resolved, That the President of the United States be requested to cause to be laid before this House a statement of the several consular or commercial agents having authority under the United States in foreign countries.

On the suggestion of Mr. TALLMADGE, the following addition was made to the resolution: "together with the salaries or compensation, if any, allowed to them, respectively."

Mr. RHEA moved further to amend the resolution, by adding to the end of it the words, "And whether any of them have been engaged in procuring and disposing of British licenses to trade."

Mr. UPHAM said, his object was merely to obtain a convenient document for the use of the members, and he did not expect to have attached to it anything about the murder of Pierce, the attack on the Chesapeake, British impressments, or what not. He had no sort of objection to the inquiry, but it was not fair to attempt to tack such a rider to his resolution.

Mr. GORD called upon the gentleman from Tennessee to reflect on the tendency of his own amendment. It would imply that the Government had continued Consuls abroad, with a knowledge that they had been concerned in this traffic.

Mr. QUINCY, reprobated the amendment, as going to reflect censure on the Consular Agents generally; to do which, he could not consent.

Mr. RHEA said there was no specific object in the resolution first proposed, and his amendment went to give it one. He said he had seen a great deal in the newspapers about this trade in foreign licenses, and he wished to get to the bottom of the business; that if our Consuls were innocent of being concerned in it, they might be justified to the world.

Mr. GHOLSON moved that the resolution lie on the table.

Mr. PITKIN hoped it would not lie on the table. He was desirous of knowing who were the officers of the United States abroad, and whether they received salaries; and, if so, whether those salaries were independent of their expenses; for he had seen, in an account called for by the Senate, respecting the expenses of intercourse with the Barbary Powers, that they had charged the United States with all their little expenses. Till he saw this statement, he said he had no conception of the manner in which the funds of the United States were used in the Mediterranean.

Mr. DANA said that the information which was required by the resolution would be useful, and was proper to be obtained; for at present there was no document before the House which could show it. The Consuls residing abroad were not limited as to number or place, there being no such limitation by law. He was against the proposed amendment. Could no proposition, he asked, however fair or rational, be brought forward, without splicing some proposition of this kind to it?

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And would the House put it in a form which implied that the President ought to be impeached? Had any of the agents of the United States been employed in this manner, and had the President suffered them to remain in office? He had not done his duty, then. He hoped the House would never agree to such a proposition, on so slight a suggestion.

Mr. TALLMADGE followed Mr. DANA on the same side of the question.

The motion to lie on the table was withdrawn, and Mr. RHEA's motion to amend was negatived.

The resolution was agreed to.

Mr. RANDOLPH called for the consideration of his motion that the New England Mississippi Land Company have leave to withdraw their memorial. The House refused now to take up the subject—54 to 33.

LOAN BILL.

The House resolved itself into a Committee of the Whole, on the bill authorizing a loan for a sum of money not exceeding the amount of the principal of the public debt reimbursable during the year 1810.

[In the discussion which took place on this bill, there was no objection to the principle of it. Every gentleman who spoke assented to the propriety of placing at the disposal of the Government a sum of money fully adequate to meet the appropriations authorized by law for the present year.]

Mr. DANA wished to ascertain the precise amount of the principal of the debt reimbursable during the year 1810, with a view to inserting the sum in the body of the bill.

Some difference of opinion appeared to exist as to the exact amount of principal reimbursable. The sum annually applicable to the payment of the public debt is eight millions of dollars. The sum left, after paying the interest of it for the year, is annually applicable to the extinguishment of the principal. The exact amount of interest payable on the public debt during this year not being known, there was a difficulty in ascertaining the exact amount of principal reimbursable.

The sum of \$4,800,000 was mentioned.

Mr. DANA moved to amend the bill so as to authorize a loan "not exceeding \$4,800,000, being the amount of the principal reimbursable," &c. This motion was supported by the mover, and Messrs. GOLD, SHEFFEY, QUINCY, UPHAM, TALLMADGE, and PICKMAN, and opposed by Messieurs BACON, W. ALSTON, and MONTGOMERY.

The arguments in favor of the motion were, generally, that it was improper to attempt to disguise anything by giving to it a specious name; that borrowing money should not be called paying the public debt; that all authority given to borrow money should be express and specific as to the sum. It was said in reply, that there could be no objection that the truth should appear on the face of a bill; that this sum not being wanted to defray the ordinary expenses of the Government, but to pay debts heretofore contracted, the phraseology was perfectly correct; that it was as specific in fact as if expressed in so many figures.

Mr. DANA varied his motion, after debate, on account of the uncertainty which appeared to exist as to the sum reimbursable, and of course as to the sum to be loaned. He moved to amend the bill so as to give authority to borrow a sum of money "not exceeding four millions of dollars."

This motion was supported and opposed by the same gentlemen who debated the former motion. In support of the motion it was said, that this sum was all that the Secretary of the Treasury had asked for, and was therefore as much as ought to be given. The advocates of the amendment also said that they were averse to legislating blindfold, to voting millions without knowing for what, or to surrendering up their judgments to Executive discretion, under an idea that the President would not borrow more than was necessary.

In reply it was said, that since the Secretary of the Treasury had made the estimate in question, other expenses had been incurred; that it was impossible to tell the precise amount which was wanted until Congress should adjourn, as it was impossible to tell on one day what appropriations they would make the next day; that, if not necessary, the authority to borrow would not be used; as in the case of the loan authorized at the last session of Congress, not a cent of which had been actually borrowed. That law had granted an authority nearly similar to this in nearly the same language.

Mr. DANA's motion was negatived—52 to 29.

Mr. QUINCY observed that he felt but one difficulty on this subject. He could not agree to borrow an amount greater than the Secretary of the Treasury had said was necessary. He, therefore, moved to amend the bill by adding to it the following proviso:

"Provided, That nothing in this act contained shall be construed to authorize any sum to be borrowed greater than four millions of dollars."

The motion was lost—ayes 28.

Mr. SWOOP moved to amend the bill by striking out the words "funded debt," and inserting "exchanged six per cent. stock," which would authorize a loan to the amount of \$3,750,000, there being so much of this description of public stock redeemable during the present year, and this he believed was all that the Secretary of the Treasury had deemed necessary.

This motion was supported by Messrs. BURWELL, SWOOP, and SHEFFEY, and opposed by Mr. MONTGOMERY.

It was negatived—ayes 18.

The Committee then rose and reported the bill without amendment.

Mr. DANA moved that the bill lie on the table till to-morrow, with a view of ascertaining from the Secretary of the Treasury what money was actually wanted.

Mr. PIRKIN supported the motion. He estimated the sum now authorized to be borrowed at between five and six millions, and said that he had no idea of giving such authority when the Secretary of the Treasury had himself told the

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House that no more than three millions was necessary, which, together with a million to retain in the Treasury, would make but four millions.

Mr. W. ALSTON replied, that since that estimate had been made, the appropriations had been increased, and that it was impossible now to ascertain, within a million, what the expenses of the ensuing year would be. It was, therefore, proper to give an authority to borrow sufficient to cover the whole.

Mr. DANA's motion was negatived—49 to 30.

Mr. QUINCY renewed the proposition which he had made in Committee to amend the bill, which was negatived—yeas 34, nays 61, as follows:

YEAS—James Breckenridge, William Chamberlin, Epaphroditus Champion, Matthew Clay, Samuel W. Dana, John Davenport, junior, William Ely, James Emott, Thomas R. Gold, William Hale, Nathaniel A. Haven, Richard Jackson, jun., Robert Jenkins, Philip B. Koy, Joseph Lewis, jr., Nathaniel Macon, Vincent Matthews, Archibald McBryde, Pleasant M. Miller, William Milnor, Jonathan O. Moseley, Benjamin Pickman, jun., Timothy Pitkin, junior, Elisha R. Potter, Josiah Quincy, John Stanley, Jacob Swoope, Samuel Taggart, Benjamin Tallmadge, John Taylor, Jabez Upham, Robert Weakley, Laban Wheaton, and Robert Whitehill.

NAYS—Willis Alston, junior, William Anderson, Ezekiel Bacon, David Bard, Burwell Bassett, Adam Boyd, John Brown, Robert Brown, William A. Burwell, William Butler, Joseph Calhoun, John Clopton, Howell Cobb, James Cochran, William Crawford, Richard Cutts, Joseph Desha, William Findley, Barzillai Gannett, Gideon Gardner, David S. Garland, Thomas Gholson, Peterson Goodwyn, Daniel Heister, James Holland, Benjamin Howard, Jacob Hufty, John G. Jackson, Richard M. Johnson, Walter Jones, William Kennedy, John Love, Aaron Lyle, Robert Marion, Alexander McKim, John Montgomery, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, Gurdon S. Mumford, Thomas Newton, John Nicholson, John Porter, John Rea of Pennsylvania, John Rhea of Tennessee, Matthias Richards, John Roane, Ebenezer Sage, Thomas Sammons, Ebenezer Seaver, Adam Seybert, Samuel Shaw, Daniel Sheffield, John Smilie, George Smith, John Smith, Samuel Smith, John Thompson, George M. Troup, Charles Turner, junior, and Robert Witherspoon.

Mr. SWOOPÉ moved to amend the bill, by striking out from the first section, the words "*public debt*," for the purpose of inserting "*exchanged six per cent. stock*." And, the question being taken thereon, it was determined in the negative—yeas 63, nays 33, as follows:

YEAS—James Breckenridge, William A. Burwell, William Chamberlin, Epaphroditus Champion, Samuel W. Dana, John Davenport, junior, William Ely, James Emott, Thomas R. Gold, William Hale, Nathaniel A. Haven, Richard Jackson, junior, Robert Jenkins, Joseph Lewis, junior, Robert Marion, Vincent Matthews, Archibald McBryde, William Milnor, Jonathan O. Moseley, Benjamin Pickman, jun., Timothy Pitkin, junior, Elisha R. Potter, Josiah Quincy, John Randolph, Daniel Sheffield, John Stanley, Jacob Swoope, Samuel Taggart, Benjamin Tallmadge, John Taylor, Jabez Upham, Killian K. Van Rensselaer, and Laban Wheaton.

NAYS—Willis Alston, junior, William Anderson, Ezekiel Bacon, David Bard, Burwell Bassett, Adam Boyd, John Brown, Robert Brown, William Butler, Joseph Calhoun, Matthew Clay, John Clopton, Howell Cobb, James Cochran, James Cox, Richard Cutts, John Dawson, Joseph Desha, William Findley, Barzillai Gannett, Gideon Gardner, David S. Garland, Thomas Gholson, Peterson Goodwyn, Daniel Heister, James Holland, Benjamin Howard, Jacob Hufty, John G. Jackson, Richard M. Johnson, Walter Jones, William Kennedy, John Love, Aaron Lyle, Alexander McKim, Pleasant M. Miller, John Montgomery, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, Gurdon S. Mumford, Thomas Newton, John Nicholson, John Porter, John Rea of Pennsylvania, John Rhea of Tennessee, Matthias Richards, John Roane, Ebenezer Sage, Thomas Sammons, Ebenezer Seaver, Adam Seybert, Samuel Shaw, John Smilie, George Smith, John Smith, Samuel Smith, John Thompson, Charles Turner, junior, Robert Weakley, Robert Whitehill, Richard Winn, and Robert Witherspoon.

The bill was then ordered to be engrossed, and read the third time to-morrow.

TUESDAY, April 24.

A motion was made by Mr. SMILIE that the House do now adjourn. And, the question being taken, it was determined in the negative—yeas 8, nays 55.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting a list of claims, confirmed by the Board of Land Commissioners, in the district of Kaskaskia; which were referred to the Committee on the Public Lands, to report by bill, or otherwise.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act for continuing the charter of the Bank of Alexandria, in the District of Columbia;" to which they desire the concurrence of this House.

Mr. ROOT was excused from further service on the committee appointed to investigate the conduct of General Wilkinson, on account of intended absence.

Mr. R. also moved to refer the letter received from General Wilkinson, on Friday last, to the above committee, but afterwards withdrew the motion.

Mr. RHEA, of Tennessee, moved to refer it to the Secretary of War.

Mr. GHOLSON moved that the last motion lie on the table.—Carried.

REDUCTION OF THE ARMY.

Mr. SMILIE, from the committee to whom was referred the resolution for reducing the Army, reported the following bill:

A bill to reduce and consolidate the Army of the United States.

Be it enacted, &c., That the President of the United States be authorized, out of the troops raised and now in service under "the act to raise for a limited time an additional military force," to complete the regiment of light artillery, to form and complete two regiments agreeably to the provisions of said act; also to form a company of bombardiers, to be annexed to the corps of

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engineers; to fill up the regiments authorized by the "Act fixing the Military Peace Establishment of the United States," and to discharge the three Brigadier-Generals and all the officers and men who may be supernumerary by this arrangement, and to discontinue the recruiting service.

"SEC. 2. And be it further enacted, That all the officers who may be discharged under this act shall receive three months' pay, according to their respective grades, in addition to what may be due them at the time of their discharge, and such allowance for travelling from their place of discharge to their respective places of residence as is prescribed by the "Act fixing the Military Peace Establishment of the United States." *Provided*, That whenever the public exigencies require the calling into service of any of the officers discharged by this act, they shall have rank equal to that under which they retire.

The bill was twice read and committed.

REDUCTION OF THE NAVY.

The House in Committee of the Whole on the bill to reduce the Naval Establishment of the United States.

The bill having been read—

Mr. McKIM moved to amend that part of the bill which directs the sale of all the gunboats, by adding the following words: "belonging to the United States, unfit for service, and unworthy of repairs."

This motion was agreed to without debate, ayes 56.

Mr. KEY said he was friendly to the reduction of the Navy, but not to its annihilation. He therefore moved to strike out so much of the bill as provides that all the frigates but three shall be "sold," and to insert in lieu thereof, "laid up in ordinary."

Messrs. DANA and MUMFORD supported the motion.

Mr. RHEA of Tennessee made a motion, which superseded that made by Mr. KEY, to strike out the whole of the section, except so much as related to gunboats. He was wholly opposed to the reduction of the Navy at present.

Mr. SMILIE said, he should vote for the motion with a view to inserting a substitute going to place the Navy now on the footing of the Peace Establishment of 1806.

Mr. DANA was in favor of Mr. RHEA's motion, but expressed himself very pointedly in favor of a reform in the expenditures and conduct of the Naval Establishment generally.

Mr. BASSETT also was in favor of Mr. RHEA's motion. He supported the policy of a small navy, and vindicated the establishment generally from charges of waste or extravagance, though he was friendly to reform wherever necessary. Mr. B. spoke nearly an hour.

Mr. COOK and Mr. RHEA of Tennessee also spoke in favor of the motion to strike out the whole of the first section.

Mr. MACON spoke against the motion, and against the policy of a navy as applicable to the situation of this country.

Mr. STANFORD followed Mr. MACON on the same side of the question, and particularly re-

probated the extravagant expenditure of money incident to the naval system.

Mr. DANA spoke again on the subject of reform in the system.

Mr. MACON and Mr. STANFORD explained.

Mr. BOYD was against the reduction of the Navy under present appearances.

The motion to strike out the remainder of the section was carried, 61 to 25.

Mr. SMILIE moved to insert, in the place of that part which was stricken out, the following:

"And further, that the President of the United States be, and he is hereby, authorized to keep in actual service as many of the frigates and other armed vessels as in his judgment the nature of the service may require, and to cause the residue to be laid up in ordinary in convenient ports: *Provided*, the whole number of officers and seamen shall not exceed that fixed by the act 'in addition to the act, supplementary to the act, providing for the Naval Peace Establishment, and for other purposes,' passed the 21st day of April, 1806."

Mr. S. read the law alluded to in this amendment, which would go to retain in service thirteen captains, nine masters commandant, seventy-two lieutenants, one hundred and fifty midshipmen, and nine hundred and twenty-five able bodied seamen, ordinary seamen and boys.

Mr. McKIM opposed the amendment, because he was altogether opposed to a reduction of the Navy in the present state of the world.

Mr. SMILIE replied. He said he had no apprehension of danger to his country from laying up a few frigates.

Mr. BASSETT stated that the whole number of seamen, now in service, was but two thousand seven hundred and twenty-three. If the number was reduced, the expense of reducing and re-enlisting them within a short period, would exceed the expense of keeping them in service during the interval.

Mr. MONTGOMERY spoke in favor of the amendment, under the impression that there was no disposition in Congress to make use of the Navy. Although the number of seamen in service might not exceed two thousand seven hundred and twenty, as stated, yet the President now had power to authorize the employment of five thousand four hundred and ninety men. The adoption of the amendment, he said, would curtail the present annual expense, \$778,000.

Mr. MUMFORD spoke against the amendment. He remarked that the counting-house calculation of pounds, shillings, and pence, heretofore imputed as a fault to the merchants, seemed to have been transferred to the planters of cotton and tobacco. He did not regard a little expense when put in competition with the national safety.

Mr. SMILIE's amendment was negatived.

The section for disusing all the navy-yards except those at Boston, New York, and Norfolk, having been read—

Mr. KEY moved to insert "Washington" after New York, and, speaking in support of his motion, expatiated on the advantages possessed by a navy yard at the seat of Government.

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Mr. BASSETT concurred with Mr. KEY in opinion; but, as he presumed the section was only meant as an accompaniment to that part of the bill already stricken out, he moved to strike out the whole section.

Mr. DANA opposed the amendment. Six navy-yards were certainly not necessary for the service of the United States, and he particularly opposed the retention of the yard at Washington.

Mr. KEY spoke in reply to Mr. DANA, and in support of Mr. BASSETT's motion. He defended the navy-yard at Washington against the imputations cast on it.

Messrs. TALLMADGE and DANA spoke against the amendment.

Mr. SMILIE spoke in favor of the amendment, and expressed his astonishment at the change which appeared to have taken place in the House, since they had voted, 60 to 31, a few days ago, to reduce the Navy.

Mr. KEY expressed his surprise, that a gentleman, having as much parliamentary experience as the gentleman who preceded him, should be surprised at the change of votes. A majority had voted to reduce, having different objects of reduction in view; but, when a reduction in any one branch of expenditure was proposed, it appeared that a majority could not agree in it. Mr. K. spoke again in favor of the amendment.

The motion to strike out the section was lost, 52 to 40.

Mr. KEY renewed his motion to insert "Washington."

Mr. RANDOLPH opposed the motion on the ground of the unfitness of the situation of Washington, compared with others, for a navy-yard.

Mr. MACON supported the motion; because he was utterly opposed to a navy, he said he wished that a navy-yard should be kept here, as members of Congress would be much sooner disgusted by seeing the expenditures of the Navy system, than by hearing of them.

Mr. DANA, as a friend to a navy, said he wished the amendment not to prevail. The gentleman from North Carolina, an enemy to navies, wished to retain the yard at this place; he, Mr. D., a friend to them generally, wished to dispose of or disuse it. They therefore thought alike, though they should vote differently.

The motion to insert "Washington" was carried—54 to 42.

The section for reducing the marines was struck out, without debate—ayes 59.

The Committee rose, and reported the bill as amended.

The SPEAKER resumed the Chair, and the House resolved now to consider the report of the Committee of the Whole.

Mr. MILNOR said the bill had been much amended in Committee, and as the remnant left amounted to very little, and the discussion of that little would probably cost more than would be saved by passing it into a law, he moved to postpone the further consideration of the subject indefinitely.

Messrs. SMILIE, PITKIN, WILLIS ALSTON, and DANA, opposed the motion.

Mr. RANDOLPH moved an adjournment; which was carried.

WEDNESDAY, April 25.

On motion of Mr. BACON, a resolution was adopted, instructing the committee to whom was referred the report of the Secretary of the Treasury on manufactures, to inquire into the expediency of further amending the census law, so as to direct the officers to collect information on the subject of manufactures.

On motion of Mr. JOHNSON,

Ordered, That the Committee of the whole House to whom is committed the bill from the Senate, entitled "An act to extend the time for making payment for the public lands of the United States, in certain cases," be discharged from the consideration thereof.

POST OFFICE DEPARTMENT.

Mr. DANA said he had laid on the table, a few days ago, a resolution relative to the Post Office, which had been objected to on account of its extent. He now varied the motion, and submitted it as follows:

"*Resolved*, That the Postmaster General be directed to lay before this House a statement of the number of post offices, the sum received for postages, the compensation of the deputy postmasters, the charge for the conveyance of the mails, the incidental expense and net revenue of the Post Office Establishment for every year from the 4th of March, 1789, to the close of the year 1809, together with information respecting the extent of post roads."

Mr. D. said he had expressed the resolution in general terms, that it might give the Postmaster General an opportunity of stating everything respecting the extent of the route, in order that, if the expenses of the establishment had increased, it might be seen how much the routes had been thereby extended.

Mr. REA moved that the resolution should lie on the table. He said it would be impossible to make a report of that nature this session, or in three months, even if the Postmaster General were to set all his people to work on it.

Mr. DANA said he was perfectly confident that if the Postmaster General and his clerks could not make a report on this subject in three months, that he and his clerks ought to be broke. He did not believe that he and his clerks were so incompetent as not to be able to make it in a week. It would be an evidence of their incompetency if they could not make it in two days. He thought it impossible that the Postmaster General should be so little attentive to the principle on which the accounts were kept, as not to have a head of accounts, so as to show at one view the various items of information he had asked for. Accounts were rendered to his office quarterly, and must be transcribed to some general head. The error of the gentleman from Pennsylvania arose from supposing that the names of all the postmasters and other details were wanted, which was not the

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case. Mr. D. said he would not admit the idea that the Postmaster General was so utterly incompetent to his duty, as not to be able at once to give the information required, for he had a better opinion of his talents.

Mr. REA said, if he understood the resolution, it went to call for a history of the Post Office Establishment, in all its branches, since the year 1789. He had no objection to require such a report to be made at the next session, although it would be a voluminous statement, and would cost, perhaps, a thousand dollars to print it.

Mr. POTTER expressed his surprise that no motion, of however trivial importance, could be proposed, but a motion was made to lay it on the table. If the Postmaster General should not be able to make a report this session, he would do it the next, and the want of time, therefore, could be no objection to the resolution.

Mr. SMILIE saw no reason for the resolution lying on the table. We have, said he, had some trouble about post roads, and I am suspicious that there is not fair play in the business. The State of Pennsylvania is creditor about \$30,000 in account with the establishment, and I wish to know what States are deficient. I do not think one State should be saddled with expense, too much, for the benefit of others. At any rate, I wish to see how the matter stands.

Mr. MACON thought the motion to lie on the table now was unseasonable. He said it was desirable to know the progress of the institution. Of the militia they had an annual return by law; they had, also, annual returns of the imports and tonnage, &c., but there were no regular reports from the Post Office Department provided for. Notwithstanding reports of the receipts and expenditures for various objects were annually made to this House; the House had, at this session, called for the aggregates for each year of several statements. If it would take three months to prepare the statements, now undoubtedly was the time to call for it; for, if postponed to the next session, there might not be time enough during the session to prepare it.

Mr. REA withdrew his motion to lay it on the table, and the resolution was agreed to.

The bill from the Senate to continue the charter of the Bank of Alexandria was read twice, and committed.

LOAN BILL.

The engrossed bill authorizing a loan for a sum of money, not exceeding the amount of the principal of the public debt, reimbursable during the year 1810, was read a third time.

Mr. RANDOLPH moved to postpone the bill till to-morrow. Motion lost—50 to 47.

Mr. STANFORD moved that it lie on the table, but subsequently withdrew the motion, to make way for a motion of Mr. TAYLOR to recommit the bill; which motion was negatived—ayes 37.

Mr. STANFORD moved that the bill lie on the table. Negatived—61 to 39.

MESSRS. PITKIN, DANA, RANDOLPH, STANFORD, TAYLOR, KEY, QUINCY, and UPHAM, opposed the

passage of the bill, and Messrs. MONTGOMERY, BACON, W. ALSTON, JOHNSON, SMILIE, and RHEA, defended it.

All the gentlemen who spoke against the bill professed to be willing in a proper manner to authorize a loan of any sum of money necessary to meet the appropriations made; but they contended that the bill was objectionable because the sum was not stated in the face of the bill, because the bill bore a deceptive appearance of borrowing money to pay the public debt, when, in fact, it was to meet the ordinary expenses of the Government; because the bill authorized a loan of five million one hundred and sixty thousand dollars, more by one million one hundred and sixty thousand dollars than the Secretary of the Treasury had declared to be necessary, and because no loan ought to be authorized until bills now before the House were decided on, which involved a reduction of the annual expenditure.

In reply to the objections to this bill, it was urged that the amount authorized (not required) to be borrowed was as definitely expressed as though in figures; that there could be no deception on the face of the bill, for, if no debt heretofore contracted was now to be paid off, there would not only be no occasion to borrow, but there would be an immense annual surplus in the Treasury; that, since the estimate of four millions had been reported to the House, various appropriations had been made, and it was impossible yet to say how much might be wanted, and no more would be borrowed than actually was wanted; that if the passage of the bill was delayed but a day or two, it would be very easy for gentlemen to prevent its passage at all.

The bill was passed—yeas 77, nays 35, as follows:

YEAS—Willis Alston, junior, William Anderson, Ezekiel Bacon, David Bard, Burwell Bassett, William W. Bibb, Adam Boyd, John Brown, Robert Brown, William A. Burwell, William Butler, Joseph Calhoun, John Clopton, Howell Cobb, James Cochran, Orchard Cook, James Cox, William Crawford, Richard Cutts, John Dawson, Joseph Desha, William Findley, Meshack Franklin, Barzillai Gannett, Gideon Gardner, David S. Garland, Thomas Gholson, Peterson Goodwyn, James Holland, Benjamin Howard, Jacob Hufly, John G. Jackson, Richard M. Johnson, Walter Jones, William Kennedy, John Love, Matthew Lyon, Aaron Lyle, Robert Marion, Vincent Matthews, Alexander McKim, Pleasant M. Miller, William Milnor, John Montgomery, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, Gurdon S. Mumford, Thomas Newton, John Nicholson, John Porter, John Rea of Pa., John Rhea of Ten., M. Richards, John Roane, Erastus Root, Ebenezer Sage, Thomas Sammons, Ebenezer Seaver, Adam Seybert, Samuel Shaw, Daniel Shesley, Dennis Smelt, John Smilie, George Smith, John Smith, Samuel Smith, Henry Southard, John Thompson, George M. Troup, Charles Turner, junior, Archibald Van Horn, Robert Weakley, Robert Whitehill, James Wilson, Richard Winn, and Robert Witherspoon.

NAYS—Daniel Blaisdell, James Breckenridge, John Campbell, William Chamberlin, Matthew Clay, Samuel W. Dana, John Davenport, junior, William Ely, James Emott, Thomas R. Gold, William Hale, Na-

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thaniel A. Haven, Richard Jackson, junior, Robert Jenkins, Philip B. Key, Herman Knickerbacker, Joseph Lewis, jr., Nathaniel Macon, A. McBryde, J. O. Mosely, Joseph Pearson, Benjamin Pickman, jun., Timothy Pitkin, junior, Elisha R. Potter, Josiah Quincy, John Randolph, Richard Stanford, John Stanley, Jacob Swoope, Samuel Taggart, Benjamin Tallmadge, John Taylor, Jabez Upham, Killian K. Van Rensselaer, and Laban Wheaton.

Ordered, That the title be, "An act authorizing a loan of money for a sum not exceeding the amount of the principal of the public debt, reimbursable during the year one thousand eight hundred and ten."

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The House then resumed the consideration of the unfinished business of yesterday.

Mr. MILNOR said when he had made the motion for the indefinite postponement of the bill, he had supposed that the sense of the House had been fully expressed on it; but as it appeared that the motion would occupy much time in debate, and as some gentlemen had thought proper to insinuate that the motion was made for the purpose of avoiding meeting a direct question on the bill, he now rose to withdraw the motion.

The question was then stated on the first amendment made in Committee of the Whole, viz: to strike out so much as requires the sale of all the gunboats.

Mr. MUMFORD hoped that the frigates would not be laid up in ordinary. He said he was no politician by profession; he had been called from mercantile pursuits against his inclination, but he had always understood that government was instituted for the protection of the citizen. He was chagrined when he saw the events unfolding in the Old World, and witnessed such a paralyzing system going on in his own country. He had hoped that some system would have been adopted for the protection of our commerce at sea. If gentlemen were determined to abandon the ocean altogether, he begged to know it in time before merchants were totally ruined, for it was impossible at present to carry on any commerce whatever. The part of the country which he represented (city of New York) felt it strongly; agriculture would feel it sooner or later. The enormous captures made of their property had reduced merchants to the alternative of staying at home, or having no commerce but with Great Britain. If gentlemen are disposed to surrender commerce to the discretion of the belligerents and retire from the ocean, it is time to know it. Mr. M. said he was no *motive-monger* ; he never arraigned gentlemen for their motives. We have heard gentlemen say "millions for defence and not a cent for tribute;" and a noble and popular sentiment it was. It seemed now to be reversed with them, and a plain translation of their speeches was "millions for tribute; not a cent for defence." Various projects had been offered. Some gentlemen were for putting down the whole Army and Navy; others were for a sort of snail system, alarmed at the least apprehension of danger. Viewing the subject as he

did, Mr. M. entreated that gentlemen would consent to protect commerce. The island of St. Domingo now possessed seventeen armed vessels. They were gaining strength daily, and what was the situation of our Southern borders? If our naval force was entirely withdrawn from the ocean, it was impossible for an army of militia to defend the mouth of the Chesapeake. He understood that two vessels were now building in Chesapeake Bay for St. Domingo. He knew that the Haytian agents had been in this country for the purpose of purchasing vessels. Under all these circumstances was it wise and prudent to discharge the Navy? He presumed the best course would be to put to sea what little navy we have to protect our own coasts, for they would be necessary without any view to commerce in the European seas. Under every view, instead of laying up those vessels in service, Mr. M. said he hoped that gentlemen would consent to fit out every vessel in the possession of the United States, and send them out to protect American commerce.

A motion having been made by Mr. SMILIE to amend the bill so as to place the Navy on the footing on which it stood in 1806—

Mr. DANA said he was not for pausing with merely replacing the former system; he was also for guarding against the waste of public property and treasure which had taken place in the Naval Establishment. He believed that for the number of fighting men afloat the United States had been put to a much greater expense than was necessary. He was not speaking, he said, of our having few brave men on the water, nor of the great sums given anywhere to those who give us their blood; but the system of the navy yards, he believed, required a thorough reform. If he was to judge of the general economy on board the frigates and smaller vessels from the little he had seen of them, he must set it down for certain that waste did not exist on board the vessels after they were fitted for service, and manned, and officered. As far as he had an opportunity to observe, he had marked a strong sense of subordination, and the practice of command at the same time sustained with gentleman-like propriety, without any unnecessary torture or rigor. In all this business, Mr. D. said, where you employ warriors, whether by land or water, that department called the staff, the agents, purveyors of supplies, &c., is the branch of the service to which you must look for waste. On merely casting the eye along the decks of our vessels, the conduct of the officers, and the manner in which the men behaved, indicated a sort of conduct which appeared to him incompatible with waste, laxity of discipline, or want of attention to duty. Generally speaking, the civil branch of the service was the reverse of this. Mr. D. adverted to the mode of equipping vessels, and reprobated the scrambling, which he had understood often took place for equipments, as incompatible with methodical arrangement, and correct distribution of supplies. It was wasteful and inconsistent with regular accountability. It was not the

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course pursued in the navy yards of other nations. The commander of a man of war in other countries was not permitted to go into a navy yard; he could not there claim to have everything new on board his vessel. When every man was suffered to manage as he would, there was no security for the economical conduct of an establishment; for the more anxious was each commander to have his own vessel exclusively well equipped, the more would the public suffer. He was, therefore, for adopting some system of rigorous retrenchment—what it should be he did not know. In the nature of the thing he was confident it could be done; without it there must be much waste. At present, therefore, he was against striking out the frigates from the Naval Establishment. A reform in the expense was the great desideratum, not the abolition of the Navy.

Mr. D. said he would submit to the House one consideration: the appearance which the passage of such a bill would present to the world after the resolutions passed at the commencement of the present session. For his own part, indeed, he had deemed it useless to make declarations of national independence, or to resolve against submission; but at the commencement of the session a resolution had been passed respecting what had taken place between the Executive and the British Minister, and then Congress had pledged themselves to call forth the whole force of the nation to stand by and support the President. He had supposed this unnecessary, improper, and exceptionable in some respects. But at the same session, when the controversy was chiefly respecting maritime privileges, if they should not only reduce but sell the Navy, what would the world say, when they had seen the beginning and end of the session? Would it be possible that foreign Powers could look up with any reverence to their acts? We shall, said he, be reduced to such a situation that even the apprehension of our hatred could not insure respect from foreign Governments, if we suffer our conduct to be so completely at war with our own acts. In order to possess some appearance of respectability in the estimation of others, the most expedient course would be to establish economy and provide for a less profuse distribution of the public moneys, but to retain the public armed vessels, that we may be in a condition for effectual service whenever it is deemed expedient. By this course we may save more of property as well as character than by an abolition of the Navy; and if we save both it is better than to save the one and lose the other.

In allusion to a remark of Mr. MUMFORD against the bill, Mr. D. said that in regard to what was formerly said respecting millions for defence and not a cent for tribute, that doctrine was a very good one, but it had no connexion with crawling within ourselves in time of danger—with the *terrapiu policy*—with drawing in head and claws so that no part of the body should be exposed; and those who were for that course, (because really they had not provided any shell,) could not very well appeal for their justification to the doc-

trine of "millions for defence and not a cent for tribute," and yet he believed that the gentleman from New York himself had voted for that system of terrapiu defence. Although, said Mr. D., I was against that thing, yet there were men distinguished for talents and worth, and who are eminent in the councils of their country, who entertained sentiments widely different. This policy was borrowed from the colonial system; we did not assume the spirit of a nation, perhaps; we recollected what we had done before when we were colonies, and perhaps gentlemen thought the efforts of children might succeed when they had attained to manhood. It was a delusion. If gentlemen, however, now see through their error, their desire to correct it ought not to be condemned.

Mr. BASSETT was of opinion with Mr. D. that reform rather than reduction of the Naval Establishment ought to be their object. He was glad to find that when the Navy was brought into view, other ideas than those of mere commerce began to be associated with it. Heretofore it had only been advocated as a means for the protection of commerce. Mr. B. said he lived in a district which was sensibly alive to the benefits of a navy. The district which he represented had within it more water than land. It therefore became essential to the defence of his constituents that they should have a floating protection. It was impossible, in the nature of things, that they could be defended but by a floating defence. Surely there could be no gentleman in the House who was not sensible of the necessity of protection! It might be a favorite point in a monarchy to keep the country unprotected, and thus under the control of the Government, but the motto of Republics should be universal justice, equal rights, and common defence. He asked gentlemen to look at the magnitude of the object of defending our seacoasts, which could not be less than three thousand miles in extent, and, taking into consideration the sides of our navigable rivers, that extent would be doubled. If gentlemen would but for a moment consider the immense space which was exposed, they would see all the importance of securing an adequate defence. The House had been told, and certainly very truly, that there was a maritime force rising in our neighborhood. The House had been told, also, and told correctly, too, that at least two large vessels were building in their own waters for the use of that growing maritime Power. At the very moment, said Mr. B., that we know that the blacks of St. Domingo are building vessels, shall we dispose of our public armed vessels? Let me ask who will buy them when put into the market? Who but Christophe and Pétion? It is reduced to a certainty that if we put them now to the hammer, they must go in that direction. I ask gentlemen seriously to weigh that consideration.

The situation of our Navy is at present sufficiently reduced. We have only five frigates in actual service. The Chesapeake, for want of repairs, is now in harbor. If gentlemen are anx-

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ious that she should be laid up in ordinary, I would accord in it; but I would prefer to leave this subject entirely to the discretion of the Executive. I know, sir, how apt a proposition of this sort is to be met by a suggestion of Presidential confidence; but when we come to consider our particular situation, that we are putting it into the power of the President, not to add to the burdens of the people, but to relieve them, that will be thought a sound argument to justify the course of leaving the whole matter to the discretion of the President. The wisdom of the last and of the present Congress has kept in service five frigates. We cannot remain in session at all times; and we are at this moment extremely doubtful as to the aspect our affairs will assume as to foreign nations. I would ask gentlemen if former experience does not warn us that if we have an accommodation with one belligerent, it will but lead to a wider breach with the other? But if this occurrence does not take place, and everything should turn out happily, my proposition would leave it in the power of the Executive to secure the public against loss. The expense is not drawn upon us by the Executive, but it is such as the wisdom of the National Legislature has thought proper to incur. Therefore I think it fair to consider the subject in this way. As we are about to separate, and as present appearances would not warrant our giving up any species of protection, we shall be justified in giving a discretionary power to the Executive to put down such part of the Naval Establishment as he may in future think it justifiable to part with.

I am not one of those who think the expense of the Navy a sufficient argument for disposing of it altogether. I have been asked what has the Navy done. I can answer for a large portion of my constituents, that it has kept them quiet in mind. Is it not important that the men who live on the seaboard should know that we have a force to repel attack? What sort of attack have we cause to expect? A serious invasion? Certainly not. The sort of attack which we ought to guard against is the predatory attack, made at a small expense, to our great injury. If we do away the naval system entirely, our whole seacoast will be liable to be ravaged. A single frigate, a single privateer, a single pirate, might come into your waters and injure your citizens to a considerable amount. It has been mentioned, and I have seen an official intimation of it, that two or three vessels, in the shape of pirates, had stopped vessels at the mouth of the Mississippi. The force now imbedded on the ocean is not more than adequate to the security of the nation against predatory warfare. I am willing, notwithstanding this, to leave it to the Executive discretion to lessen the burden.

I regret much that at this period of the session we cannot go into an examination of the expenditures the gentleman from Connecticut complains of. I think it proper to observe that for one I shall be willing to receive his assistance in detecting abuses. I believe the gentleman at present at the head of the Navy Department has every

disposition to correct them. But at the same time that is not sufficient for us. I do not know of any unnecessary expenses, or I should bring them to public view; I do believe there is not that want of system which the gentleman seems to suppose. This much I know; that at all the navy yards are proper officers for distributing stores. There all the rigging, ropes, &c., &c., are kept apart, and, as far as a landsman, a lubber like myself, can judge, appear in great order.

In relation to the smaller vessels it appears by the report of the Secretary of the Navy that they are in perfect repair. The expense of sailing them is the only expense. I cannot but again repeat, because I think it of the last importance, that the security which these small vessels gives us greatly outweighs all disadvantages of expense. If we can lessen the expense, let us do it, in the hope that at another session we shall be able to find out where the evil exists. It is generally said, when this subject is under consideration, that we cannot attempt to cope with Great Britain. Because we cannot, are we to succumb to others? To provide no protection against smaller Powers? At this moment the master of an American merchant vessel is employed in the service of the Emperor of China, a country possessing the greatest population in the world, for the purpose of protecting the citizens of the Emperor against some small pirates. Is there a fact can speak more strongly to us, that, without some sort of naval defence, with such a seacoast as we have, (and let it be recollected, sir, that our seacoast is much greater in proportion to our population than the Chinese,) we shall be at the mercy of the worst of the human race?

It was asked what mighty good the Navy has done. Let me ask the gentleman who asked that question, what mighty good our Army has done by land? When we consider the point of expense, let us consider the evils of different sorts. Let me ask gentlemen if the evils depicted to exist in Peru, where gold abounds, do not equal anything they can imagine to proceed from the want of money? We must forget the evils that force produces in the necessity which exists for having it. We cannot say, because some evil results from force, that we will not have it; for, if you have it not, others will. Our own experience should teach us the necessity of it. What was the effect of our eloquent addresses, when colonies, placed at the foot of the British throne? They (the British) sent a fleet and army to Boston. They did not tell you power was right; but they said it with their fleet and army. Reason will tell us the same now; it is impossible to meet force but by force. The effects of naval force are well remembered. It is well recollected that in the Revolution Cornwallis marched from Charleston to Virginia. When he got there, a French fleet was on the coast. The very moment the fleet advanced by water, Cornwallis surrendered. Here was evidence of the effect of naval force. And it is by its efficiency that we must balance the great objection of expense. I have heard it stated here how much more ex-

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pense a sailor is than a soldier. If we look to the fact, and contrast the efficiency of the two, we shall find that the superior efficiency of the sailor greatly outweighs the additional expense. There is one fact, very strongly illustrative of this principle, drawn from British history. It is found, by the papers laid before Parliament, that the present naval establishment costs seventeen millions annually. The expense of the army is nearly the same. With seventeen millions of water force, the navy of Great Britain makes her mistress of the ocean; with seventeen millions, the land force of Great Britain is contemptible. As concerns ourselves, all the attack we can expect to receive is on the ocean or on the seacoast, and we can by this fact see demonstrably that we can procure more protection for a certain number of dollars expended on the water than we can from the same number of dollars expended on the land. History shows that Republics are always naval Powers; and navies have preserved their existence. The history of England, instead of destroying this argument, is in favor of it; the celebrated exploits of the Dutch confirm it. England, though a monarchy, is the freest in Europe, and all nations have enjoyed the greatest naval celebrity when they have been most free. A navy has no great general at the head of it, wielding an immense body of armed men. The commanders of ships have a very different influence. The admiral himself cannot act on the land. History does not show an instance where an attack was made on the liberty of a nation from that quarter. I am therefore disposed to give my feeble aid to support an efficient force upon the water rather than upon the land; and I believe the present establishment is by no means beyond what ought to exist.

MR. RANDOLPH said, that, as his objections to the Navy went to the whole system, he would make his observations at large, in preference to reserving them in detached parts on the various details of the bill. My object, said Mr. R., is to endeavor to persuade the House that they ought not to concur in the report of the Committee of the whole House. I have ever believed that the people of the United States were destined to become, at some period or other, a great naval Power. The unerring indications of that fact were presented to us in a tonnage and number of seamen exceeding those of any other nation in the world, one only excepted. When, therefore, I proposed to reduce the Naval Establishment of the United States, it was not for the pitiful object of putting down some five or seven gunboats and two or three unimportant navy yards, or of making the mighty reduction contemplated in the amendment of the gentleman from Pennsylvania. In other words, it was not for the purpose of making barely such a retrenchment in the naval expenditure as might enable Government, after such retrenchment was effected, to go on with the aid of loans and taxes. We had two views of the probable state of the nation presented to us during this session. The first was a view of war, in which case it was agreed on all hands that loans and taxes would be neces-

sary; the next was a view of peace, in which case it was believed that loans and taxes were unnecessary, and was so pronounced from the highest authority in the country on financial concerns. But now it seems to have a view of reduced military and naval expenditure which does not obviate the necessity of loans and taxes. My object in the proposed reduction was not to enable the Government to get on with the aid of loans and taxes, but to make such a reduction as would have enabled the Government to dispense with a recurrence to them.

I have said, sir, that the United States were, in my opinion, destined to become a great naval Power; and I have read unerring indications of it in the commercial prosperity of our country, out of which alone it can grow. But I believe, if anything could retard or eventually destroy it—if anything could strangle in the cradle the infant Hercules of the American Navy—it would be the very injudicious mode in which that power has been attempted to be prematurely brought into action, and kept in action, during the two last Administrations. Again, a naval Power necessarily grows out of tonnage and seamen. We have not only driven away our tonnage, but have exerted ourselves with no little zeal, even at this very session, to prevent its ever coming back. We have not been willing to consent that vessels polluted by the unpardonable sin of a breach of the embargo should return. True it is, that we have not made the same provision in relation to seamen: we have conceived the guilt rather to reside in the wood or iron, than in the men who conducted it. But, although we have no provision for the express purpose that they should not return, unfortunately they have not returned; and the proof of this fact is evinced by another, viz: that landsmen are at this moment employed on board our few ships of war, because seamen cannot be procured. Our tonnage and seamen, then—the sinews of naval power—are wounded by our own measures, to a considerable degree. Again; it has always been understood, according to my view of the subject, that one of the principal uses of a navy was to protect commerce; but, our political rule for some time past has been that of inverse proportion, and we have discovered that commerce is the natural protector of a navy. The proof of this is found, if not in every act of this House, certainly in most of the speeches delivered on this floor. I need only allude to a speech made by a colleague of mine, (Mr. GILSON,) who usually sits on my right hand, a few days ago, in which he stated that the power to regulate commerce was specially given by the Constitution to the United States—not as a means of raising revenue, equalizing duties throughout the United States, and making all in fact one family—but, that it was put into the hands of Congress as a scorpion-whip to bring the other nations of the world to our terms; that, by turning away the light of our countenance—the sunshine of our commercial bounty—they might wither and decay.

I had always thought too, sir, that the revenue which a Naval Establishment naturally calls for

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was to be founded on commercial greatness; in other words, that commerce was to give us revenue, and revenue was to support a navy, which in return was to protect commerce. But, it seems we have changed all this—we have perverted the whole course of procedure—and why? Sir, shall we keep up an expensive Naval Establishment, necessarily driving us into loans and taxes, for the protection of a commerce which the Government itself says we shall not carry on; and when members of this House tell us that the natural protection of commerce is the annihilation of it? The Navy has now become a sort of fifth-wheel to the political coach, and I am unwilling to keep it up, at this expense, on these grounds.

If, sir, the construction which I have taken of the sense of the House and of the Government be not correct, whence comes it that we have such cases before us as that of Daniel Buck? Whence comes it that we hear of Treasury instructions, not issued in the first instance for the purpose of expounding a law touching the clearances of vessels, that uniformity may prevail in the different districts, but supplementary instructions, becoming in practice the actual law of the land? In other words, if my construction be not correct, whence comes it that every principle formerly called federal—every principle of Executive energy and power—has been strained of late to an extent heretofore unparalleled? Whence comes it, that in the archives of this Assembly, we find copies of licenses given by the Executive power of the nation—to do what? To permit one part of this Confederacy to supply another part with bread! We have had Executive licenses, graciously permitting that a portion of our citizens should not starve while the rest were revelling in plenty, and suffering for want of a market! Let us suppose, that in the fragments of history of the ancient nations of the earth, of those periods which are most involved in obscurity, we should find an Imperial rescript to this effect, what would be the inevitable conclusion of the historian? That, if the Chief Magistrate of the Government could at pleasure starve one part of the people while another was rioting in plenty, that the individual who held this power was the greatest despot on earth, and the Government a purely unmixed despotism. But, sir, it would be improper to draw any such conclusion here, because we are the most enlightened people on earth—I believe we have placed that on record. It was nothing but the protection of the Navy of the United States, and a desire of avenging the attack on the Chesapeake—for, among all the causes of the embargo, we hear of none oftener than the attack on the Chesapeake;—it was nothing but a defence, not only of the commercial interests, but of the naval strength of the nation, which created this dictatorship in the person of the Chief Magistrate. It was not that we are naturally more prone to slavery than others, but it was for the preservation of our national defence, (if that be not positively opposed to national defence which costs four millions, and which, when Greek meets Greek, and the tug of war comes, must take refuge under

such measures as those I have mentioned.) No, sir; my object in the bill which I presented to the House was a great one: it was to enable us to dispense with a loan to the acknowledged amount of \$5,150,000—to enable us to dispense with taxation, to an amount which no man can calculate, (if, indeed, the system which passed this House was constructed to bring in revenue at all.) It was not a little, paltry affair of reducing a couple of navy yards; not to bury the dead, who have been already interred in the marshes of the Mississippi; not twice to slay the slain: it was for a great public object. Really, sir, the reduction of the gentleman from Pennsylvania (Mr. SMITH) reminds me very forcibly of an incident which is said to have taken place at the discovery of the gunpowder plot. When commissioners were sent into the Parliament vaults, to examine into the situation of the gunpowder and combustibles collected together for the purpose of blowing up the King, the Parliament, and the whole constitution, they returned, and reported that they had found fifty barrels of gunpowder; that they had removed five-and-twenty barrels, and humbly trusted that the remaining five-and-twenty would do no harm! This is precisely the reduction which the Committee and the gentleman from Pennsylvania have agreed to make. It is a reduction which will not do any effectual service, and I therefore hope the House will not accord in it.

But, we are told that great and gigantic events in Europe are to be arrested. That which the British navy cannot do, I suppose, or that which the combined Continental forces opposed to her cannot effect, is to be decided here by three frigates; for that is precisely the extent to which, if I understand him, he is willing to go. It seems, we are also to suffer a total loss of the ships to be sold, they being unfit for every other purpose. Are they unfit for the East India trade? Was not the first vessel which ever doubled the Cape of Good Hope, under the flag of the United States, the old frigate Alliance? And would not these vessels, if sold, be purchased for that and for other purposes; more especially when we consider the immense loss of tonnage which the United States have sustained—I will not say how, but when—within the last two years? But this, if well founded, would be no objection with me to the reduction of the Navy. I am willing to put a clause in the bill to authorize the President to give the frigates away, if he cannot sell them. My objection to the expense is not merely to pounds, shillings, and pence—not merely to the counting-house calculation—but to expenses utterly incommensurate to the object to which those expenses profess to go, and to a system of organized public plunder. If we agree to make this reduction, however, according to the statement of the gentleman from Virginia, (Mr. BASSETT,) foreigners will purchase from us ships of the best construction in the world, on the best terms. I believe, if the gentleman's knowledge on the state of our public ships was as accurate as perhaps it is on other subjects, he would hardly suspect foreigners of coming to our markets for the purpose of

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buying those ships to annoy our commerce. Who will become the purchasers—Great Britain? After having given her hundreds of thousands of tons of your shipping now sailing under the British flag, and manned her navy with your seamen driven from your employment, do you believe the Admiralty will send across the Atlantic to buy the hulks rotting at the navy-yard; or would it be a formidable accession to the British navy, especially when four of these vessels are absolutely unfit for any purpose whatever? I presume that even the Emperor of France, if it were an object with him to have these famous models of naval architecture at Antwerp, would hardly venture to purchase them, and run the risk of getting them across the ocean. I conceive you could hardly get insurance done on them at Philadelphia or Baltimore. The idea of keeping these vessels is absolutely idle, unless gentlemen are disposed to send their commerce on the ocean, and employ force in the protection of it.

Sir, I am extremely exhausted already—and I presume the House are fully as fatigued with me as I am with myself—but I will endeavor to go along with my loose remarks. The panegyric which the gentleman from Connecticut (Mr. Dana) has been pleased to bestow on the American naval officers, I have not the least indisposition to subscribe to, so far as my knowledge will permit me to go. As far as my information extends—as far as I have the pleasure, and I may add the honor, of being acquainted with those gentlemen—there is no class in society whom I think more highly deserving. And I did hope, when the gentleman went into this eulogium on the one hand, and inference at least of censure on that which he has been pleased to term “The Staff of the Navy”—but which I suppose I may as well call the *civil branch*, who have the control and management of the civil service; not the men who fight the battles, but who pocket the greatest part of the emolument—that he would have been more particular. Sir, I do know that comparisons are extremely unpleasant, and no consideration would induce me to go into them, especially after the observation of my friend before me, (Mr. Macon,) but the discharge of an imperious public duty. I can have no hopes of deriving anything further than experience from the past Administrations. It is to make use of this experience that I call the attention of the House to the comparative expenses of the Navy under the several Administrations.

I find, from the Treasury statement in my hand, made on the 5th of this month, that the Navy, under General Washington’s administration, cost \$1,100,000; that during the four years of Mr. Adams’s administration, it cost \$9,700,000, in round numbers; that, in the eight years of the succeeding Administration, it cost \$12,700,000. I make these remarks, because the statement differs from that made by the worthy gentleman from Connecticut in this respect; that, when he made the expenditure under the last Administration to amount to fourteen millions, he did, in my opinion, improperly saddle that Administration with

the expenditure of the year 1801, viz: \$2,111,424, authorized and voted under Mr. Adams’s administration. From the mere glance at this paper it will be seen, that from 1801 to 1802, the expenditure fell from the above sum of \$2,000,000 to \$900,000, marking distinctly the retrenchment at the period of Mr. Jefferson’s accession. The first year properly chargeable to the last Administration is that succeeding the one in which they came into office, viz: 1802. I find, also, from a comparison of the statements in the same document, that the most extravagant year of the second Administration was the year 1800—the year after I first had the honor of a seat in this House—when the expenditure amounted to \$3,448,716. The most extravagant year of the last Administration was the year succeeding its going out of office, the expenses of which were incurred and voted by it, viz: to the amount of \$2,427,758.

Against the administration of Mr. Adams, I, in common with many others, did and do yet entertain a sentiment of hostility, and have repeatedly cried out against it for extravagance, and for profusion, and for waste—wanton waste—of the public resources. I find, however, upon consideration—whether from the nature of man, or from the nature of things, or from whatever other cause—that that Administration, grossly extravagant as I did then and still do believe it to have been, if tried by the criterion of the succeeding one, was a pattern of retrenchment and economy; and I ask the House to put the question to themselves, whether we are likely to see, at any future period, an Administration more economical than that of which we have just now taken leave? And this I say, without meaning to cast the slightest imputation on the present. The person now at the head of affairs, has, at least in one respect, conducted himself in his high office in a spirit dear to my heart—it is the spirit of a gentleman. The first session of Congress under the last Administration was a period of retrenchment. Throw the session of last summer out of the question, and this must be the session of reform under the present. Have we any reason to conclude, from what we have seen or heard, that we can look forward to any policy more economical than that of the Administration of which we have just taken leave? I wish it to be clearly understood, that in the year 1800, in which our expenses amounted to \$3,448,060, we had three 41-gun frigates; six frigates, from 44 to 32; two of 32, of a large size; four of 32, smaller; eight from 32 to 20; three sloops of war and four brigs, from 18 to 16; and five brigs and schooners, from 14 to 12 guns—employing a total of 7,296 seamen. This Administration, too, it should be remarked, not only built every frigate, every vessel of respectable force—yes, sir, built them from the stump—which the United States now have, but many others, which have been since sold, and the proceeds of which have gone into the Treasury. At this time, then, when the United States had this formidable force afloat; when nearly 8,000 seamen were employed; (I know the documents only state 7,300, but I am told from the best authority there were nearly

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8,000;) when our flag at least triumphed in our own seas; when we had nothing of that system of drawing within our shell, which the gentleman from Connecticut so justly derides; when we had not reached the soft-shelled state in which we were placed by the non-intercourse law;—at that time, the Navy of the United States cost nearly three millions and a half, making for each seaman about \$472. I know, sir, that these statements are dry, but they are useful in proportion as they are dry. According to the statement which my colleague (Mr. BASSETT) has made, and which he has told you not only came from the Secretary of the Navy, but was in the Secretary's own handwriting, the number of seamen which he had last year in employ was 2,723, which cost the nation \$2,427,000—for each man employed, within a trifle of \$900! Now, sir, if every seaman under the last Administration cost double the expense which was incurred for the same man under the preceding one, if the same system is continued, we have no reason to doubt that the seamen next year will cost double of their present expense. But, even suppose the expense to remain the same as it now is, will the Representatives of the American people agree to maintain a naval force which costs us \$900 (within \$13) per man, the use of which no man has attempted to guess, much less to demonstrate!

I wish to be indulged in a little further comparative political economy. I believe, sir, that the same good results in politics from comparing the merits of different Administrations, that results in medicine and surgery from the dissection of the human body—that they are fairly to be tried by the same rules. I find, then, that in the year 1800 the estimated pay of the officers is \$391,000, and that the estimated pay of the seamen in the same year is \$818,000. And yet, sir, by the estimate now before me, and which any gentleman can turn to, made for the year 1800, the subsistence of the officers, their pay, and that of the seamen, amounts only to \$296,000—a sum less, by nearly \$100,000, than the estimated pay alone of the officers in 1800—while the expenses of the whole Establishment approach for the last year within \$1,000,000 of the expense of the year first mentioned. I am at a loss to account for these manifest inconsistencies, and I might say solcisms, in our political arithmetic. We have a Navy which we are told employs 2,700 men, which costs within a third as much as a Navy employing nearly 8,000 men, and yet, when we come to compare the great objects of expense—to wit: pay and subsistence of the officers and seamen, the reward of valor and merit—we find a contrast which I believe no man in this House is prepared to explain.

Now, sir—for the whole subject, thank God, is now before us—let us look at the expenses of the Marine corps. I have always understood that marines were necessary in proportion to the extent of the Navy—that such a force is put on board of every ship of such a number of guns. I find that in the year 1800, when we had nearly forty ships of war in commission, manned with nearly

8,000 men, the expenses of the Marine corps amounted to \$162,000; and in 1809, when we have ten or fifteen vessels of all sorts, manned with 2,300 seamen, the expense of the Marine corps amounts to \$211,000. And yet, sir, if we look at the items, there does not seem to be a very great variation between some of the most important—for instance, I find that the clothing in 1800 was estimated at \$33,000, in 1809 at but \$32,000—and yet, the troops whose clothing costs \$1,000 less, cost in the aggregate \$50,000 more. But, if we look at some of the items of this account, we shall be struck at once with the difference. The pay and subsistence for instance in 1800 was \$102,000, in 1809 it was \$160,000. I have been at the pains, even to note the prices of the most material articles of provision, and find that in the old estimate beef is rated at \$13, pork at \$14, and flour at \$10 per barrel; while in the last year the same articles stood in the estimate at \$14, \$18, and \$8. The material article (flour) being much lower than in 1800, and the market value of the others also, I believe the inference would necessarily follow, that the subsistence ought to have been cheaper. But, sir, look at their establishment at the navy yard, and I believe we shall want no ghost—certainly no argument of mine—to show the cause of this difference of expense.

Then comes the navy yards. Of these, that of Washington alone has cost nearly one-half of the sum expended on them all. Well might my colleague say it was worth as much as the whole, when it had cost as much; when, indeed, we have witnessed a considerable town—and the most flourishing town, too, in this wide region called the City of Washington—built out of the public Treasury.

Yes, sir, we have economized until we absolutely have reduced the annual cost of a seaman from \$472—as it was under the very wasteful expenditure of Mr. Adams's administration—down to the moderate sum of \$887! We have economized until a paltry fleet, consisting of vessels built to our hand—to say nothing of those that have been sold, and the warlike stores of which have been retained and preserved; which fleet was built, equipped, and every cannon and implement of war purchased under the old Administration—has cost us \$12,000,000, when it cost the preceding Administration but \$9,000,000! Is this no argument for reduction? The gentleman from Connecticut (Mr. DANA) tells you he does not wish an annihilation, but a reform of the Naval Establishment. Sir, as long as a single chip remains in that navy yard, you will never see anything like reform; as long as you have a chip of public property—one chip of live oak belonging to the United States—you will have a man riding in his carriage, with a long retinue and deputies and clerks to take care of it. And, sir, if the gentleman from Connecticut does not mean utterly to disgust the people of the United States against a navy—if in truth he is a friend to a navy—he ought to join and put down this navy yard, and not, with my friend from North Carolina, (Mr. MACON,) keep it up, in hopes the enormity of the

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evil will at some time or other correct itself. Among the many reasons offered to this House for retaining the various parts of this Establishment, no one said a word in favor of the Marine corps—that went *sub silentio*—but a great deal was said in favor of Washington. We were told that our fleet might be *Copenhagened*, and that it was therefore necessary to stow it away here. We also heard of the great press of work in the large towns—of the mercantile employ which there came in competition with that of the United States. I believe sir, that our workmen, and men of all descriptions, from the highest to the lowest—I speak of subordinates—have long ago found the truth of the old proverb, that “The King’s chaff is better than other men’s corn.” But it seems, that in order to get a commodity cheap, we are not to go where it is to be had—oh no, *there is competition!*—but we must bring workmen here in the mail-coach, by which conveyance I understand not only *live stock* for the navy yard, but copper bolts, and such *light articles*, are sometimes brought, I suppose, to get out of the way of competition—competition in the markets of Philadelphia and Baltimore, where they are bought at private sale. In this way, have seamen, in some instances, been conveyed; and unquestionably every material of ship timber and naval store has been repeatedly brought from Norfolk to this place at an immense cost, worked up here by men collected from Baltimore, Philadelphia, &c., in order that, so worked up, it might go back to Norfolk, there to remain. But, sir, if our object really be to prevent our fleet from being *Copenhagened*, we had better put it above the Falls of Niagara. There it would unquestionably be most secure, unless the party on the other side of the lake should fit out a fleet to attack it; in which case, I suppose, we must resort to another series of measures similar to those lately adopted for the protection of commerce and the Navy. An embargo to protect ships of war! This is, indeed putting the cart before the horse. We are to have a navy for the protection of commerce, and all our measures in relation to it are calculated on the basis of keeping it (poor thing! like some sickly child) out of harm’s way! On the same principle of economy on which the navy yard is kept up here, viz: for fear that merchants and others should come into competition with the Government, I presume, we have sent abroad for workmen to carry on the public buildings. If the navy yard is to be kept up here merely that it may be under our eye, I would humbly suggest, sir, that we first pluck out the beam that has so long blinded us. We need only to do that to see this building falling to pieces over our heads; and yet an enormous appropriation is called for towards finishing it, which I have no doubt my worthy colleague (Mr. LEWIS) will press very strongly before the close of the session.

I had forgotten the gunboats; and perhaps the best notice which can be taken of them, is that which is taken on some occasions of other things—to pass by them with contempt. They are not worth bringing into account, except for their ex-

pense. Children must have toys and baubles, and we must indulge ourselves in an expense of many millions on this ridiculous plaything!

But, sir, the sale of our superfluous vessels met with the high objection that they were to be purchased up by Christophe and Pétion, and that the constituents of my colleague (Mr. BASSETT) are to be terrified, if not into bodily fear, at least out of their peace of mind, by these vessels; and, at the same time, we are told that Christophe was in such good credit, only forty miles off, that vessels are building at Baltimore for his use; and yet, sir, no gentleman has brought forward a bill making it penal to supply these barbarians with ships of war and warlike stores. In other words, sir, to avoid the possibility of Christophe and his seamen foundering on board these rotten hulks, my colleague would much rather drive him into Baltimore, where he can purchase good vessels, which will answer his purpose much better than these frigates, which the barbarians would not know how to manage, and which are not calculated, from their great draught, for predatory warfare in the West India seas. My worthy colleague has given us a curious illustration of the superiority of naval over military force, by comparing the navy of Great Britain with her army. I suppose, if the argument were retorted on my colleague by a comparison of the army of Bonaparte with his navy, he would say that the same amount was not there expended upon the navy as upon the army; whereas in England, the amount of money expended on each is equal. But, does not my colleague know that one and the chief cause of the superiority of the British navy over the army, is, that in the navy men rise by merit—that they do not get in, to use a seaman’s phrase, at the cabin windows—and that the army, if we give credit to the Parliamentary investigation, is a mere sink of corruption—a mere engine of patronage—a place in which a corrupt commander-in-chief acts according to his vile pleasure, and the pleasure of all the pimps and parasites and harlots who environ him. This, sir, is the cause of the superiority of the naval over the military force of Great Britain. But, when the British navy shall have effected what the armies of other nations from time immemorial have done—when it shall have subjugated whole continents—then will I agree in the superior power of naval over military force. I have no hesitation in saying that I would rather vote for naval than military force, and it is because a naval force has not the same power as a military one. I have never heard of a despotic power created by a naval force, unless perhaps in the chieftain of a band of pirates.

But, it would appear that the politics of my unfortunate friend from North Carolina, (Mr. STANFORD,) who sits near the Speaker, are a mere counting-house business of pounds, shillings, and pence, or dollars and cents; that, in fact, the spirit of lucre is transferred from the warehouses and counting-rooms of the merchants to the tobacco fields and cotton plantations of the Southern planters; and that, to such a pitch has the patriotism of the mercantile class risen, that they

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are really ready to sacrifice one-half of their property for the protection of the Government of their country. If the gentleman from New York (Mr. MUMFORD) will permit me, I will protest against this idea. I have once before protested, in company with that gentleman, and I hope he will permit me to protest, even when I have not the sanction of his respectable authority. With regard to the politics of my worthy friend from North Carolina, I recollect very well, in the days which were called the days of profusion, patronage, and terror, his politics were not of that minute and microscopic grade that no scale could be graduated sufficiently low to measure them; that, if his republicanism was a matter of pounds, shillings, and pence, then and now, it was not that sort of republicanism which was too cheap to be measured by the value of the smallest known coin, even by a *doit*. I really feel something like sympathy with the gentleman from North Carolina—and it is not at all to be wondered at; for the republicanism of that gentleman used to be that which I always have professed—and if the remark applied to the gentleman from North Carolina, who I believe is not yet quite out of the pale of the political church, how much more forcibly did it apply to an unpardonable political sinner like myself! With respect, sir, to this patriotism, or this republicanism, that has left the tobacco fields and cotton plantations, and taken up its dwelling in the counting-house, I beg leave to express my doubt of the fact. I never have had that high opinion of the mercantile class expressed by some gentlemen in this House. I think of them as of other men—that, in proportion to the temptations to which they are exposed, so are they virtuous or otherwise. But, sir, I have not and cannot have confidence in a man to whom the great Emperor has given a paternal squeeze, whose property is sequestered at Bayonne or St. Sebastian—I disclaim anything like personal allusion; I speak of a class—I cannot have the confidence, on the subject of our foreign relations, in a man so situated, that I can have in the planter or farmer whose property is growing on his land around the house in which he nightly sleeps—and why? Because, *mutatis mutandis*, I should not have the same confidence in myself. I should not believe it possible, if I had rich cargoes under sequestration in France, that I could vote free from the bias which the jeopardy of that property would throw on my mind.

Sir, I have been very irregular, because I have been compelled to follow, not the current of my own ideas, but the objections started by gentlemen in different quarters, and (as it is the fashion to express it) on different sides of the House, whom I have found united against the bill as reported by myself. I would ask, in a few words, if we ought to continue this Establishment in its present state? I ask if it is necessary? For the expense of a navy has been proved to be in inverse ratio to its utility. To what purpose do we keep up the Marines—another branch of the Establishment? If I am correctly informed, these men are willing to run away whenever they have a

chance to desert—if they can get an opportunity—and I am willing that they shall quit the service, without being exposed to be brought to a court martial for desertion. Nothing, indeed, was said on the subject of the Marine corps, when the gentleman from Maryland (Mr. KEY) moved to strike out the whole section of the bill. Fertile as the gentleman may be in reasons, he did not offer one. He must have supposed it to be perfectly correct that a marine establishment should be kept up for a navy employing 2,700 seamen, more expensive than the same establishment for a navy employing nearly 8,000. It was, indeed, facetiously urged in the select committee, as a reason why these men should be retained, that they came to this House regularly, on Sundays, to serve the Lord—to assist at the weekly pageant here performed. Sir, far be it from me to say, or even to think, with the Protector Cromwell, that this is a House where the Lord has not been served for many years. But, permit me to state, that in our country, it is the practice to pay no man out of the public purse, even for advocating the cause of other people with the Most High, much less for advocating his own. In other words, that when men with us serve the Lord, they do it at their own expense.

We have heard to-day, sir—and I hope the report to Congress at their next session will verify it—that a grant of power to the Executive in relation to any subject—say borrowing of money—does not necessarily imply an exercise of that power. We have heard, too, that notwithstanding the power devolved on the President of the United States, by the bill authorizing him to borrow to an amount of upwards of five millions of dollars, which this day passed this House, to enable the Government to get along, we shall at our next session, probably be presented with the joyful tidings that it is not necessary to make use of the power, at least in its full extent; but it depends upon our own act, whether this expectation be realized or not. We are, in this instance at least, of that description of prophets who have it in their power to bring about the event they predict. And I do earnestly hope that the House will not, by a disagreement with the report of the select committee, insure the defeat of their hope—the nonfulfilment of the prediction. I hope we shall take up the subject, and go through with it; that we shall account, and account rationally too, for some of the facts at least which I have presented to the House this day, in terms extremely defective, I know; but the time was short—now or never—and I presented them in the only mode in which I could possibly do it.

In the course of my observations, I think I forgot to mention that when the United States kept forty sail of armed vessels afloat, and employed 8,000 seamen, we had no navy yards at all. If we had, there must have been some extraordinary oversight committed by the then Secretary of the Treasury; and I believe politicians were not any more apt then than now to omit any items of public expense: they crowded in all they could. In the estimate which I hold in my hand, there

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is no item of that expense. I hope, if the House agree (which, God forbid!) to so much of the report of the Committee of the Whole as retains the frigates and ships of war, that they will at least consent to put down the navy yard at this place, and break down the supernumerary Marines. Really, sir, I am fond of music, but I do not mean to grant \$211 000 of the people's money annually for a song. I hope at least that the Marines will be reduced, and that we shall retain at least not more navy yards than ships. What would an honest Dutchman in the West think of a man who kept as many stables as horses, and those of the most expensive construction, too?

I have done, sir. I have endeavored to discharge my duty. No man is more sensible of a failure in the manner than I am; but I will thank any one to convince me of the utility of a navy, according to the doctrines and practice of the new school, and to facts, as far as they have been stated.

Mr. BASSETT said that his colleague could not always adhere to the principle that it was his duty to ferret out every error. Error is the lot of human nature, said Mr. B., and no one is infallible. Give a small authority to-day, and it will increase to an unexpected amount before to-morrow. I am authorized to state that such has been the case in the Navy Department; that under the late Secretary of the Navy large expenses had been incurred; and that before he left his office he commenced a reduction of them. Since the present Secretary (Mr. Hamilton) has been in office, the expenditures have been much reduced. In the navy yard at this place, for example, a permanent reduction has been made in the expenses to the amount perhaps of 30 or 40 per cent., and a very considerable reduction also as to immediate disbursements. It is nevertheless our duty, after the suggestions that have been made, to commence a thorough investigation, and I can only regret that the subject has been introduced to our attention at so late a period of the session. Instead of regretting what has been said, I am glad of it, and hope that at an early period in the next session an investigation will be made. Without any particular direction of the House, the committee of the Naval Establishment thought it their duty to examine the whole establishment at the navy yard in this city. All the good expected from doing so was to convince them that the eye of the Government was upon them. I am proud to say that not only myself, but every gentleman of the committee with me, was much pleased with the appearance of things as they stood. It was not in our power to investigate minutæ. On visiting the establishment of the Marine corps we saw everything in order; we saw the armory establishment, wherein we discovered that arms which had been injured were usefully and handsomely repaired. As well as we could discover by the eye, everything was pleasing to my mind—and one innovation in discipline in the Marine corps gave me very great satisfaction, viz: the substitution of solitary confinement for personal chastisement. In the navy yard, the expense of which has been much complained of,

we saw great piles of useful buildings. These were not constructed without cost. The present establishment there, in addition to store-houses, &c., consists of an extensive forgery, where all the iron work for the navy is done, a lead foundry, a brass foundry, where articles are made out of worn out old metals, which otherwise would be of no use. I was desirous, both for my own information as well as that of the House, to procure an account of the work done at the navy yard, to compare it with the expense—for that is the only way of fairly estimating the value of the establishment; but the time allotted to us during this session is not sufficient to attain that object.

Some facts I will also mention, which, though not from an official source, are known to me as matter of fact, viz: that the vessels now in service have been lately repaired in so complete a manner that they are worth more than when they were built. The President, the United States, the Chesapeake, Essex, John Adams, and others, were repaired at the navy yard at this place, besides the Congress, now repairing. There have been several small vessels also built here. In short, I believe that since the establishment of the navy yard here, there has been but one vessel repaired anywhere but at this yard. The Constitution was repaired at Boston. When we come to get the account of the expenses of that ship's repairs, and compare them with the expenses of repair at the navy yard in this city, we shall know how to appreciate that object. A full examination of it would, I feel convinced, entirely reconcile us to the great amount apparently expended here. A remark made by the gentleman from Connecticut (Mr. DANA) here applies with great force: that it was indispensably necessary to economy that there should be system and order; and how shall we accomplish that object but by regularly established navy yards? Can you have economy when you go into market to bid for what you want? Can you except system and order unless you pay for it? You cannot. Money is well laid out if it be done with honesty and integrity, to pay for system and regularity.

I did not yet mention one particular fact on the subject of naval equipments, which I should have done, in the article of sail cloth, making an immense difference in the expenditure of 1799 and 1809. The gentlemen acquainted with the prices at these times could inform the Committee that the difference in the prices of sail duck is somewhere about 100 per cent.

I will mention another fact: that although the President has power to employ 5,000 seamen, he has employed but 2,700 men, who have received bounties. Sound economy would authorize the retaining them a few months longer, till we come here again in the fall, till we know whether it be proper to disband them or not.

Although friendly to a naval force, I am not for keeping up any great naval force when there is no appearance of danger. At the present evil time, when everything is uncertain, I am not for giving up one single atom of defence. If gentlemen

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will but cast their eyes along our seacoast, and look at our unprotected waters, at the situation of my particular district, they would like me feel the necessity of some floating security; they would feel the value of that peace of mind necessary to me and to my constituents. With these observations I shall dismiss the subject.

Some further remarks were made by Mr. MACON and Mr. RANDOLPH.

The question was stated on concurrence with the Committee of the Whole in striking out so much of the bill as directs the unconditional sale of all the frigates but three.

Mr. RANDOLPH called for the yeas and nays on this question, considering it the pith and marrow of the business; and as the vote would show who were the Navy and who the anti-Navy men in the House.

Mr. SMILIE said it would be remembered that his object in voting to strike out this part of the bill was to introduce the amendment he had offered in Committee of the Whole, viz: to place the Navy on the same footing as in 1806.

The following were the votes on concurrence with the Committee in striking out so much of the bill as relates to the frigates—yeas 76, nays 32:

YEAS—Willis Alston, junior, William Anderson, David Bard, Burwell Bassett, Adam Boyd, James Breckenridge, John Brown, Robert Brown, William A. Burwell, William Butler, Joseph Calhoun, John Campbell, William Chamberlin, John Clopton, Orchard Cook, James Cox, William Crawford, Richard Cutts, John Dawson, Joseph Desha, James Emott, William Findley, Meshack Franklin, Barzillai Gannett, Gideon Gardner, David S. Garland, Thomas Gholson, Peterson Goodwyn, Thomas R. Gold, William Hale, Nathaniel A. Haven, Benjamin Howard, Richard Jackson, jun., Robert Jenkins, Richard M. Johnson, Walter Jones, William Kennedy, Philip B. Key, Herman Knickerbacker, Joseph Lewis, junior, John Love, Aaron Lyle, Vincent Matthews, Archibald McBryde, Alexander McKim, Pleasant M. Miller, William Milnor, John Montgomery, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, Gurdon S. Mumford, John Nicholson, Joseph Pearson, John Porter, Josiah Quincy, John Rhea of Tennessee, Matthias Richards, John Roane, Erastus Root, Ebenezer Sage, Thomas Sammons, Dennis Smelt, John Smith, George Smith, John Smith, Henry Southard, John Stanley, John Thompson, Uri Tracy, Charles Turner, junior, Archibald Van Horn, Killian K. Van Rensselaer, James Wilson, Richard Winn, Robert Witherspoon.

NAYS—Ezekiel Bacon, William W. Bibb, Daniel Blaisdell, Matthew Clay, Howell Cobb, James Cochran, John Davenport, junior, William Ely, Daniel Heister, James Holland, Jacob Hufty, Nathaniel Macon, Robert Marion, Samuel McKee, Jonathan O. Moseley, Timothy Pitkin, junior, Elisha R. Potter, John Randolph, John Rea of Pennsylvania, Adam Seybert, Samuel Shaw, Daniel Sheffey, Samuel Smith, Richard Stanford, Jacob Swoope, Samuel Taggart, Benjamin Tallmadge, John Taylor, Jabez Upham, Robert Weakley, Laban Wheaton, and Robert Whitehill.

So that part of the bill was struck out.

The first section, which requires the dismissal of all the seamen in service, except so many as

sufficient to man three frigates, &c., was struck out—ayes 60.

The next amendment made by the Committee was to insert "Washington" among the navy yards to be retained.

The following were the yeas and nays on concurrence with the Committee:

YEAS—William Anderson, David Bard, Burwell Bassett, William W. Bibb, Adam Boyd, James Breckenridge, John Brown, Joseph Calhoun, John Campbell, John Clopton, Howell Cobb, Orchard Cook, Jas. Cox, William Crawford, Richard Cutts, William Findley, Meshack Franklin, Barzillai Gannett, Gideon Gardner, David S. Garland, Benjamin Howard, Jacob Hufty, Robert Jenkins, Walter Jones, Philip B. Key, Herman Knickerbacker, Joseph Lewis, junior, John Love, Matthew Lyon, Nathaniel Macon, Robert Marion, Alexander McKim, Pleasant M. Miller, William Milnor, John Montgomery, Nicholas R. Moore, Thomas Moore, John Nicholson, Joseph Pearson, John Porter, John Rhea of Tennessee, John Roane, Erastus Root, Ebenezer Sage, Daniel Sheffey, Dennis Smelt, George Smith, John Smith, Henry Southard, John Taylor, John Thompson, Uri Tracy, Charles Turner, junior, Archibald Van Horn, Killian K. Van Rensselaer, James Wilson, Richard Winn, Robert Witherspoon.—58.

NAYS—Willis Alston, junior, Ezekiel Bacon, Daniel Blaisdell, Robert Brown, William A. Burwell, William Butler, William Chamberlin, Matthew Clay, James Cochran, Samuel W. Dana, Joseph Desha, William Ely, James Emott, Thomas Gholson, Peterson Goodwyn, Thomas R. Gold, William Hale, Nathaniel A. Haven, Daniel Heister, Richard M. Johnson, William Kennedy, Aaron Lyle, Vincent Matthews, Archibald McBryde, Samuel McKee, Jeremiah Morrow, Gurdon S. Mumford, Thomas Newton, Timothy Pitkin, jun., Elisha R. Potter, Josiah Quincy, John Randolph, John Rea of Pennsylvania, Matthias Richards, Thomas Sammons, Adam Seybert, Samuel Shaw, John Smilie, Samuel Smith, Richard Stanford, John Stanley, Jacob Swoope, Samuel Taggart, Jabez Upham, Robert Weakley, and Robert Whitehill—46.

So the navy yard at Washington is among those to be retained.

The next amendment was to strike out the section of the bill which reduces the Marine Corps to two companies.

Mr. RANDOLPH said on recurring to the documents he found the price of the ration in 1800 to have been 28 cents, whilst in the last year it was but 20; so that rations were now nearly a third cheaper than they were nine years ago, and the difference in the expenses of the Naval Establishment was, therefore, the more unaccountable. I had also taken it for granted, said Mr. R., that my colleague (Mr. BASSETT) was right in his statement of the seamen's wages being only eight dollars per month. But, sir, here is a statement on the subject—and I only wish that in the estimate of last year we had had the same valuable details as there are in the estimate of the year 1800—for the estimate in relation to the Navy Department for the last year is most shamefully deficient, as I could demonstrate if the House had time and patience and I had lungs. I find that there is in this estimate of 1800 a

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minute and detailed statement of every item of expense. Instead of the wages being eight dollars then and twelve now, as my colleague has been told, the pay was then for able-bodied seamen seventeen dollars per month, ordinary seamen twelve, and boys eight; so that this saving in the pay does not account for the monstrous difference. I have not time to examine into the article of duck, but I believe the gentleman's duck will not swim any more than the rest of his arguments.

I trust, sir, that the House will not agree to the report of the committee for this reason. Referring to these documents, I discover that in 1800, when we had nearly 8,000 seamen, we had 890 marines; and in the year 1809, when we have only 2,700 seamen employed, we have agreeably to estimate precisely the same number of 890 marines. It would appear that something has taken place to render this species of force peculiarly valuable, or that these gentlemen possess a very successful art of keeping in, of not going out with others. And, sir, when I recollect the statements which I have heard on this floor and the sources whence some of them have probably been derived, I am not at all surprised that this navy yard and this Prætorian camp, and everything connected with it, should keep up to the old height when everything else has diminished. Eight hundred and ninety men! Call them 900, and you have one marine for every three seamen. I have no doubt, if the House act on the principle on which they have done heretofore, that we shall have very polite assurances that these men are of the greatest imaginable service and have wrought wonders in defence of the country, but I cannot for my soul understand how this species of force goes to quiet the mind of my colleague or of his constituents on the Chesapeake.

I have done my duty on this subject, sir. From whatever motive, of that motive I am alone the human judge. I have acted the part of a real friend to the Administration of this Government. Like my friend from North Carolina, I belong to that "faction" which brought him from a minority to a majority on the very ground I now occupy. I have heard before of a people being their own worst enemies—but what shall we say to an assertion that persons selected from the people for their wisdom and discretion, should be their own worst enemies? Is it to the interest of the Administration that these abuses should continue, and that loans and taxes should be resorted to to cover them? Who, sir, are the true friends—I do not speak of motives—who in fact are the true friends of Administration? Those who move to abolish and retrench, or those who persevere in keeping up such establishments and resort to loans and taxes to defray the expense of them? Are you willing that any part of the loan authorized by the act which unhappily passed this House this morning should be borrowed for the purpose of keeping up as many marines as were deemed necessary in 1800, for treble the amount of naval force—and we then said it was a Government of profusion and pat-

ronage—yes, sir, we heaped a great deal of opprobrium and many hard epithets on it. I am just as tired now of maintaining idlers, and dissolute idlers too, out of the proceeds of my property as I was when I first came into Congress—and I care not whether it be under the Administration of a President called Republican, or of a man called a Federalist. I could repeat the very words then used. I do say that I never see one of those useless drones in livery crawling on the face of the earth that my gorge does not rise—that I do not feel sick. I see no reason why we should not maintain sturdy beggars in rags as well as beggars of another description in tinsel. I have as much respect as any one for the man who risks his life in his country's service—and I have shown it; but the man who has drawn on a livery and quartered himself on the public because he has not sufficient capacity to get a living elsewhere, I will not foster. The change may be rung to the end of time—gentlemen may talk about pounds, shillings, and pence, as long as they please, but these men shall never have a single cent of money with my consent. I wish every ploughman in the country could come and see these people, keeping equipages, living in splendor, in palaces almost—I hardly know five men in Virginia who could afford to live in such a house if their fathers had left it to them, much less if they had it to build, as some of these people occupy at the public cost. But because this proposition for reduction is made by a somebody, the cut of whose face or the cut of whose coat we do not like, we are to go on maintaining these locusts for spite. It is impossible to prevent the people from reading this. It may be said these are Federal lies. Ten years ago the same things were said to be Democratic lies; but they were tested by the most enlightened among the people, and found to be truth—even the story of Jonathan Robbins was then all a Democratic lie. You are to keep up the same number of marines that Mr. Adams kept up, but you maintain them at one fourth greater expense, when not a man who hears me can pretend to designate the service they perform. I know you may be told these marines may be useful on shipboard, which, however, has no relation to the question before the House. The question is, how many marines are necessary, and in what battles are they employed? Recollect, sir, that in this estimate of the expenses of these marines, the Prætorian camp erected for their accommodation is not taken into question—nor do I believe there is a man in the House who can guess within a hundred thousand dollars what it has cost. I cannot—I do not even know the authority under which it was built. I suppose it was erected, like some other public buildings, without law, by authority unknown to the law. Yes, sir, and this is the place for Aaron Burr and such choice spirits. When they wish to turn us out of the House, where do they look but to men who are incarcerated and would run away at a bare invitation, much more would follow a military leader to plunder, to office, to cordons and

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legions of honor? I cannot consent to retain them. I feel indignant—I feel mortified at the conduct of that part of the House of Representatives calling itself Republican—because I believe, sir, that the hint given by my worthy friend from North Carolina, has been taken by the gentlemen of another denomination, and they have thrown their weight so equally on both sides as to poise the balance—they have worked a sort of political equation there. Yes, sir, we must have fifty per cent. increase of the present *ad valorem* taxes, and an additional third upon molasses and brown sugar, upon the articles on which the poorest families on the seaboard make their daily meal—and in return we shall have a man, the texture of whose coat, whether homespun or imported, you cannot tell for the gold lace with which it is covered, and an establishment of marines at an expense of more than two hundred thousand dollars—and whom to protect? To protect the constituents of my worthy colleague, in the enjoyment of their peace of mind? When you consider in what manner every claim of merit is treated in this House—when you consider the poverty and misery in which thousands and tens of thousands of the people of the United States live, from whose earnings you daily take a part, I hope you will pause and reflect before you dispose of one doit of this sum on such objects. Why, sir, should a poor man laboring out of doors not be suffered to take his breakfast or give it to his children without paying a tax to the Government, in order that the man who does not labor, and whose head is of no more use to the community than his arms, should live in idleness?

But, unfortunately for myself, I have been here too long—I have seen the profits made by individuals with no other visible resources than the cheese parings and candle-ends of the Government; and it has got to that now that every branch of our establishments has become a department—we have almost got a door-keeping department not only in this House but elsewhere. But all I have said is wrong, very wrong—we are all Republicans, all Federalists—all is right—this is all an idle clamor, made to effect a given purpose. Sir, I might go on and compare these two books of 1800 and 1809, and take up every item of expense, military, naval, or civil—the civil branch of the Army as well as the military, the civil as well as the naval branch of the Navy—they are all, all alike. In this book (the estimate of 1800) is such a detailed statement that the value of every ration is stated, and the amount of force in detail. What have we here, in the estimate of last year? In relation to the Navy you have some three or four pages. I really had not a conception, till I came to examine it, that there could be such a difference between the estimates of 1800 and 1809. But if I am overruled, which I think highly probable from the appearance of things, we shall have the satisfaction, in case I return here next year, and Messrs. Popin and Breschard give their attendance, of a fine band of music to entertain the audience—

and for this undoubtedly the good people, the fishermen of Marblehead, and the planters of Virginia, will be proud to pay \$260,000. But this is all right—it is all Republicanism! All Federalism!

Mr. W. ALSTON spoke in favor of reducing them, and Messrs. LYON, McKIM, BASSETT, and DANA, against it.

The question on concurring with the Committee in striking out this section was decided in the affirmative—yeas 49, nays 43, as follows:

YEAS—William Anderson, Burwell Bassett, Adam Boyd, James Breckenridge, John Brown, William Butler, Joseph Calhoun, John Campbell, John Clapton, James Cox, William Crawford, Richard Cutts, Samuel W. Dana, John Dawson, Joseph Desha, James Emott, William Findley, Gideon Gardner, Thomas R. Gold, William Hale, Nathaniel A. Haven, Richard Jackson, junior, Walter Jones, Philip B. Key, Herman Knickerbacker, Joseph Lewis, junior, Matthew Lyon, Alexander McKim, Picasant M. Miller, William Milnor, John Montgomery, Nicholas R. Moore, Gurdon S. Mumford, Thomas Newton, John Nicholson, Josiah Quincy, John Rhea of Tennessee, John Roane, Erasmus Root, Ebenezer Sage, Thomas Sammons, George Smith, John Stanley, Uri Tracy, Charles Turner, jun., Archibald Van Horn, Killian K. Van Rensselaer, James Wilson, and Robert Witherspoon.

NAYS—Willis Alston, junior, Ezekiel Bacon, William W. Bibb, Daniel Blaisdell, Robert Brown, Matthew Clay, Howell Cobb, James Cochran, John Davenport, junior, William Ely, Meshack Franklin, David S. Garland, Thomas Gholson, Peterson Goodwyn, Daniel Heister, Jacob Husly, Richard M. Johnson, William Kennedy, Aaron Lyle, Nathaniel Macon, Robert Marion, Samuel McKee, Thomas Moore, Jeremiah Morrow, Jonathan O. Moseley, John Randolph, John Rea of Pennsylvania, Matthias Richards, Samuel Shaw, Daniel Shesley, John Smilie, Samuel Smith, Richard Stanford, Jacob Swoope, Samuel Taggart, Benjamin Tallmadge, John Taylor, George M. Troup, Jabez Upham, Robert Weakley, Laban Wheaton, Robert Whitehill, and Richard Winn.

So the section for reducing the marines was stricken out.

A motion having been made by Mr. RANDOLPH to amend the bill so as to disband the *master commandants* now belonging to the Navy.

Mr. McKIM said he should like to know the gentleman's reason for getting rid of them. The gentleman had appealed to the House to know why they would retain them? The *onus probandi*, however, lays with the gentleman himself. He ought to show why they should be dismissed. Mr. McK. said he did not like to vote in the dark. His vote given without knowledge might derange the whole system. He hoped the gentleman from Virginia, (Mr. RANDOLPH,) from his extensive knowledge on the subject, would favor them with the reasons why these men should be dismissed.

Mr BOYD said he did not rise to make a long speech, but to tell the House that he felt much imposed upon by the comparisons made between the late and Federal Administrations. If I were to do all this, said he, I might get into the newspapers and make believe that I am the first man in the nation; but I take things as I find them.

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The former Administration may have acted rightly in their day; but reason is to guide us. Sir, is it parliamentary, is it genteel, or agreeable to common sense, that an hundred and forty men should sit here listening to what one man says, and he having recourse to papers in every one's reach? I had rather consult the papers for myself: for I should not garble them, taking just what suited me, but should read the whole. No doubt gentlemen do what they think answers their own purpose and I what answers mine; and my purpose is the good of the nation. If a larger navy was necessary, I should vote for it; if an army of thirty thousand men was wanted, I should vote for it. Sir, have we no rights to defend? There never has been a time, in my opinion, since the Government was formed, that so preposterous a proposition was offered as this one to reduce the Army and Navy at this time—for what? Are the orders and decrees altered? I understand all Spain is in a state of blockade. For what have you given money to build fortifications? Pounds, shillings, and pence, are the order of the day—we sell a little tobacco, a little cotton—and our independence goes to wreck. But gentlemen even on their own principles go to work the wrong way. If they submit to get a little this year, they will get less the next, depend upon it. I think it my duty to speak in this open manner—not to please gentlemen, but for my country's good.

Mr. RANDOLPH said in reply to the gentleman from Maryland, who wished to know why he wanted to get rid of the masters commandant, that it was because there never had been a reason assigned in this House for their creation. The act which established them had come from the other House at the end of a session; it had not originated in this House, and he had never heard a reason assigned in favor of them—and he had no knowledge that the public service had suffered from the want of them during the whole of Mr. Adams's Administration, and more especially not from the 4th of March, 1801, to April 1806. That gentlemen who voted against the proposition to reduce the Army and Navy, said he, should vote against my amendment is nothing more than natural; and I suppose if those averse to reduction had been put on the committee, we should have had no such bill reported. If gentlemen who voted for the general proposition that it is expedient to reduce the Army and Navy are willing to be held up as bowing the knee to foreign Powers, let it be so. They were a large and certainly not disrespectable majority. I feel no sensibility on the subject. The House may act as it pleases; in whatsoever manner it may act, it will not affect my vote or conduct. I stand here, as I always have done, and always will do, on ground independent of all party considerations. If this amendment be submission to the belligerents, what is the proposition of the gentleman from Pennsylvania (Mr. SMILIE,) which is acknowledged to go further in reduction than the bill as first reported? It is in vain to oppose a reduction of the Army and Navy on the ground of submission. Gentlemen should prove that they are resistance.

What resistance do they afford against their decrees or confiscation? Have they taken a single man out of a ship of war or one man out of the dungeons of Paris or Arras? This is as plain a question of expediency as whether you will alter the time of holding the courts of the State of Maryland or any other question. Mr. R. had however some expectations that they should have some war speeches on this occasion, and they had had them accordingly. They had heard some on the general proposition for reduction, and one this morning from the gentleman from Tennessee (Mr. RHEA) on the bill. Was it proposed now to declare war? Was it believed that the gentleman from Pennsylvania (Mr. SMILIE) was disposed to submit to the belligerents? That the gentlemen on the other side of the House were divided on that subject, as they were upon the question of the reduction of the Navy? Was the gentleman from Massachusetts, (Mr. QUINCY), who represented the town of Boston, so strenuous an advocate at this moment for war (and he supposed especially for war with England) that he was obliged to oppose a reduction on that ground? Was the gentleman from Maryland (Mr. KEY) who represented the adjacent district, in the same belligerent temper? Did he too oppose this proposition on the ground of resisting the belligerents or of making war with England? The very moment any political touch-stone was brought to test the objections to the bill which the committee had offered, they dissolved at once, and the opposition to it resolved itself into the principle of old Federalism. It was nothing else. It was office! patronage! expenditure of public money! And hence it was said (and for no other cause whatever) that these strange votes were seen. The gentleman from Connecticut, perhaps the only member or one of the very few on that side of the House who had a seat on this floor during the Administration of Mr. Adams, opposed the bill because, as he had told the House, he preferred his old principles—they had triumphed over his recent disgust, though even he acknowledged that great abuses had taken place. The gentleman had declared that he would stick to his old principles; and I, said Mr. RANDOLPH, am for sticking to mine; and my two friends from North Carolina (Messrs. MACON and STANFORD) who were also members under Mr. Adams's Administration, stick to their old principles, and I will venture to say will never relinquish them. It has not effected a change in the gentleman from Connecticut, that he and his friends are out, nor a change in my friends from North Carolina—I will not say that *they* are in power, for of that they have not much to boast; but that *their friends* are in power. And why should this clamor be raised on the question whether you will or will not make a formal renunciation of the old articles of political faith? Although, on reconsideration, perhaps I have no cause to be surprised, and ought to pardon gentlemen. It is a situation in which no man likes to be placed, to be brought up and compelled either to forego present gratification or make a formal renunciation, something like the

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christian at Algiers, who hesitates whether he will put on the turban and share the plunder of the day, or consent to abide by those principles which he received from his parents and from heaven. No doubt there are many who would infinitely prefer to slip over or slide under this question; and I am therefore glad, sir, that the decision of the Chairman has enabled me to present the chalice to their lips and compel them to swallow it to the dregs.

Mr. RHEA said that the gentleman from Virginia held no obnoxious cup to him; for he should vote against the gentleman with the greatest imaginable pleasure. As to all that had been said about patronage, it had no weight with him. He had no relation in office, nor did he ever expect to have one. He had no object in view but the well-being and safety of the nation. He was unwilling to give the least evidence of a determination to relinquish any kind of opposition (though it was scarcely apparent) to the wrongful doings of other nations against the United States. He had made no war speech; if he had intended that, he should have made rather a different speech from any the House had heard from him yet. If they went on in this way he said they would hold out an inducement to all the marauders in the universe to come and plunder the trade of the United States as they pleased. He repeated that he did not make war speeches; but he thought our situation required a war speech against somebody—he would not say who. We have indeed, said he, had sufficient provocation for war; and I say now, as I have said often before, that had we taken a proper stand at a former time, the United States would have avoided all their present difficulties. But so long as we go on as we have gone, and encourage a peace in war and a war in peace, so long as the Federalists teach us to acquiesce in all the iniquitous decrees of the belligerents, so long will our difficulties continue. I shall vote to continue the Navy, and I hope that this proposition, and any other to reduce the Naval Establishment, will be negatived; for on this establishment depends the protection of our maritime border, and safety of the people upon and near it. It may be said that I and my constituents are safe, but I will act for others who are not so.

Mr. DANA congratulated the House that the only point of controversy now with gentlemen who had heretofore complained so loudly of Federalism, was, that in coming up to the mark of Federalism they should not do it with so much violence as to go beyond it. He thought it would be well if our relative expenditures could be brought back to the worst year of Mr. Adams's Administration, and our measures as to foreign affairs to the first eight years of the Federal Administration, which, when it resolved, did it so sincerely and so unalterably. He congratulated the nation that it was no longer an argument against a measure that it had been adopted by those called Federalists; he rejoiced that this slang of party was scouted from the House—that it was no longer a piece of artillery successfully wielded on all sides. He hoped it would forever

be dismissed, and that gentlemen, convinced of their error, would come up and place their recantation on record. If for the same sum as was expended for those objects by the Federal Administration they could obtain the same number of fighting men on land and water, he thought they would make an extremely good bargain, when compared with the state of things which now existed. Until this session he said he had been unapprized of the enormities of expenditure in the Navy Department for so little effect; that there had been so much of waste and so much done instrumental to the extension of patronage. He wished it however to be understood that he deemed it essential that those who compose the main body of the Army and Navy, those on whom the brunt of the battle falls, those who stand in the front of danger, should be well paid, well fed, and well clad, in such a manner that one need not blush to see them on parade appearing like the ragged recruits of Sir John Falstaff. When he saw the soldier placed in this unfortunate situation, and the squalid unfortunate troops pointed at as objects of pity, and when this situation was the result of a want of attention in those who had the care of them, he could scarcely give utterance to his indignation.

Mr. D. said he did not feel disposed to diminish the number of fighting men afloat at the present time; though he was not influenced at all by the resolution which the House had passed not to submit. He had sometimes thought that they had passed too many resolutions to be resolute. No, sir, said he, if, when we were insulted on the water; if, when a British squadron remained in our waters in defiance of our laws, we had made use of our navy, our officers and men would have done their duty; but it was then deemed more expedient to deal in paper than in powder and shot. I feel that we have gone far enough, and too far, in the downhill course of debasement; by much too far. I would dismiss all this parade of words. I really would cease to think to terrify the French or British nation by them. Although those nations have hated each other for years, they look up to each other with reverence, because they know that victory would be glorious. I wish too, that we should proceed in such a manner as that our actions should not wear the appearance of gasconade, and that we should march up to the works with a steady eye. I think, sir, that the population and strength of the United States and their commercial capital being augmented, it may be proper, after a lapse of ten years, to have a Peace Establishment somewhat extended beyond the former; and I am therefore against so great a reduction as is proposed.

On motion, the House then adjourned—41 to 38—at six o'clock, after a sitting of eight hours.

THURSDAY, April 26.

Mr. MORROW, from the Committee on the Public Lands, presented a bill confirming the decisions of the Commissioners in favor of the claimants of land in the district of Kaskaskia; which

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was read twice, and ordered to be engrossed, and read the third time to-morrow.

The House proceeded to consider the report of the committee made on the twenty-second inst., on the letter from William Lambert; and the resolution therein contained being again read, was concurred in by the House, as follows:

“Resolved, That, for the purpose of collecting the decisions of order which have occurred in the House of Representatives of the United States, and for arranging the same, that William Lambert have, in the recess of Congress, free access to the Journals of this House; that he be permitted to take a printed copy to his lodgings, giving receipt therefor; and that he may have the use of any Parliamentary forms from the Library, giving the usual receipt.”

On motion of Mr. JOHNSON,

Ordered, That the Committee of Claims be discharged from the consideration of all the petitions and other papers referred to them during the present session, which have not been specially reported on.

Mr. BIBB presented a memorial of the Legislature of Georgia, on the subject of a dispute subsisting between that State and the State of North Carolina, in relation to boundary. He said it was not his intention to press the affair upon the attention of the House at so late a period of the session. His purpose for the present was barely to lay the memorial and accompanying documents upon the table. It will be recollected, said he, that, by the articles of agreement and cession entered into in 1802 between the United States and the State of Georgia, the United States ceded to Georgia a tract of country lying south of the 35th degree of north latitude, between the States of North Carolina, South Carolina, and Tennessee, and were bound to pay twelve hundred and fifty thousand dollars, in consideration for her Western lands. Soon after that agreement was confirmed, the Surveyor General of Georgia was directed to ascertain the 35th degree, which being done accordingly the Legislature extended the laws of the State to the inhabitants within the boundary thus ascertained. North Carolina believing that the 35th degree had not been correctly ascertained by the Surveyor General of Georgia, continued to exercise jurisdiction over the territory. Commissioners were appointed on the part of each State, to unite in ascertaining the point; and, having discharged the duty assigned to them, their report was agreed to by North Carolina, but rejected by Georgia, under an impression, arising from various circumstances, that the observations were not correctly taken. A proposition was then made on the part of Georgia that Commissioners should be again appointed, for the purpose of removing all doubt upon the subject, which has been rejected by North Carolina. Thus rests the dispute; and the unpleasant condition of the people, under the conflicting laws of the two States, must be obvious to every man. The memorial asks the interposition of Congress, that some proper person may be authorized to ascertain the 35th degree of north latitude, which is

the only question in dispute. The Legislature of Georgia feel authorized to make this request from the consideration that the United States are bound to put the State in peaceable possession of the country they have sold.

Mr. MILNOR moved a resolution, which was varied in its terms on the suggestion of Messrs. W. ALSTON and STANLEY, and agreed to as follows:

Resolved, That a committee be appointed to inquire into the propriety of making an appropriation by law to defray the expenses incurred under the authority of the House of Representatives by the committee appointed to inquire into the state of the Army of the United States and also of the committee appointed to inquire into the conduct of Brigadier General James Wilkinson.

Mr. BACON reported a bill further to alter and amend the act providing for taking the third census of the United States (so as to require the collection of information respecting the state of American manufactures by the persons taking the census.) The bill was twice read and ordered to be engrossed for a third reading.

WILLIAM SHORT.

The following letter was received from the Secretary of the Treasury:

(TREASURY DEPARTMENT, April 25, 1810.

SIR: I have the honor to transmit a report, in obedience to the resolution of the House of Representatives of the 23d instant.

I have the honor to be, &c.

ALBERT GALLATIN.

The Hon. SPEAKER OF THE HOUSE.

TREASURY DEPARTMENT, April 25, 1810.

The Secretary of the Treasury, in obedience to the resolution of the House of Representatives of the 23d instant, respectfully reports:

That William Short has not received from the Treasury any sum of money whatever for outfit or compensation as Minister or agent from the United States to the Court of St. Petersburg.

That it appears by the accounts of the bankers of the United States, at Amsterdam, an extract whereof is hereunto annexed, that he did, between the 16th day of March, and the 30th day of June, 1809, receive from the said bankers 9,946 guilders, equal to \$3,978 40 cts. which payments were made out of the sums remitted to them for the purpose of defraying the expenses incident to the intercourse with foreign nations.

And that the disbursements made by the said bankers out of that fund being always made in conformity with the instructions they may receive from the Department of State, no evidence exists in the Treasury Department of the particular authority or authorities under which the payments above mentioned were made.

All which is respectfully submitted.

ALBERT GALLATIN.

The communication was referred to the Committee of Ways and Means.

POST OFFICE.

The House took up for consideration the report of the committee of conference on the disagreeing votes of the two Houses on the bill regulating the Post Office Establishment. The amendment of

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the Senate, to which the House had refused to agree, was to strike out the words "by water," the effect of which was to leave the law in relation to letters carried by packets, &c. precisely as it has always been heretofore.

Mr. RHEA moved that the House adhere to its disagreement to the amendment.

The adherence was advocated by Messrs. RHEA, BOYD, and SMILIE, and opposed by Messrs. GOLD, STANLEY, and TAYLOR.

The House refused to adhere—yeas 15, and agreed to recede from their disagreement.

So the bill only requires the signature of the President to become a law.

REDUCTION OF THE NAVY.

The House resumed the consideration of the unfinished business.

Mr. SMILIE moved the following as a substitute for the sections stricken out:

"And further, that the President of the United States be, and he is hereby, authorized to keep in actual service as many of the frigates and other public armed vessels as in his judgment the nature of the service may require, and to cause the residue to be laid up in ordinary in convenient ports: *Provided*, the whole number of officers and seamen shall not exceed that fixed by the act 'in addition to the act, supplementary to the act, providing for the Naval Peace Establishment, and for other purposes,' passed the 21st day of April, 1806."

Mr. S. spoke in support of his motion, and remarked that it would produce a saving in the next year's expenditure of near a million of dollars.

Mr. BACON, after observing that the amendment now offered would go to reduce the number of seamen in service to two hundred and ninety-five, a number smaller than that authorized by the bill as originally reported, as it would not man more than one frigate, three armed vessels, and the twenty-two gunboats at New Orleans, moved to amend the section by including also the seamen (five hundred additional) authorized by the act of the 3d day of March, 1807.

Mr. RHEA said that this proposition amounted to just the same as the original bill, as respected the number of men to be employed. He asked whether it was proper to ask this House to do (in other words to be sure,) that which they had the day before refused to do. This was no time for those who voted to increase the Navy to vote to reduce it. What reason had been given for such a course? Gentlemen had said that they believed if nobody attacked us, we should attack nobody, and that, therefore, we should have no war. Gentlemen might have some internal evidence, incomprehensible to him, that we should continue in a state of peace, or might have some reasons evident to themselves; but unless these reasons were communicable, Mr. R. said he could not consent to the amendment. They had been told that there was no such thing as a disposition in this House to go to war. How had this indisposition for war got into the House? Mr. R. could not account for this dread of war. He said he had not the least disposition to give evidence of submission to foreign Powers by put-

ting down the small naval force we have; for doing so would evince our apathy and indisposition to protect our rights. If we go on in this manner, said he, we shall be the prey of every pirate on the ocean. We shall become a prey to our black neighbors of St. Domingo. For what reason are we to subject even our coasters to plunder and abuse? To save money! Why, sir, if we do it we shall be plundered to an amount sufficient to fit out a little navy. At least let us defend ourselves against these black people of St. Domingo. We shall have nothing to prevent the barbarian cruisers from coming on our coast, and there is hostility enough in Europe against us to set those people, as well as the cruisers from St. Domingo, against us. The reduction will not comport with the safety of the nation. The House has already declared by its vote that it will not sell any of the frigates. Will it contradict itself by taking away the seamen? Now that our naval force consists of picked men and the very best officers, I am unwilling to disband them and pick up men just as they are wanted. I am utterly against any reduction now, when we have no evidence of better times; for we have no official information before us to that effect.

Mr. BASSETT said he was about to have proposed an amendment, but was prevented from so doing by Mr. BACON'S. He wished to retain the first part of Mr. SMILIE'S amendment, and to add to it a proviso that the number of seamen should not exceed two thousand seven hundred and twenty-three (the number now in service.) The effect of the amendment thus amended would be to give to the President an authority, which he has not now, to cause the frigates to be laid up at any time he thought proper.

Mr. TAILMADGE spoke of the obscurity in which the amendment was involved by a reference to so many different laws. He could not vote for it, he said, unless he could understand it.

On the suggestion of Mr. BACON, Mr. SMILIE modified his motion by making the proviso to read as follows: "*Provided*, That the number of seamen and boys to be retained in service shall not exceed ——" This blank Mr. BACON proposed to fill with one thousand five hundred.

Mr. RANDOLPH said he was afraid, after the pledge that this House had given to reduce the Naval Establishment, that that pledge was not to be redeemed; that the whole business was to end in smoke, unless some pitiful, paltry retrenchment, to the amount of a hundred thousand dollars, was made to enable them to swear by—to say here and out of doors, and to enable the public prints to say, that they had reduced the Naval Establishment. It is a matter of fact, said Mr. R., that when the Administration of Mr. Adams went out of power, they made the only reform which has ever taken place in the Naval Establishment of the United States, and that at the succeeding session no reform was made. The act of the 3d of March, 1801, authorized the President, when the situation of public affairs in his judgment should render it expedient to cause

to be sold all the vessels of the Navy except the frigates United States, Constitution, President, Chesapeake, Philadelphia, Constellation, Congress, New York, Boston, Essex, Adams, John Adams, and General Greene; and of that number the President was further authorized to lay up all except six. To the vessels laid up were attached one sailing master, one boatswain, one gunner, one carpenter, and one cook, one sergeant or corporal, and eight marines, and from ten to twelve seamen, according to the size of the frigate. This was the act which we found already passed when we came into power—I do not wish to be arrogant, but say we to save circumlocution. By the same act were retained in service—mark that, sir—nine captains, thirty-six lieutenants, and one hundred and fifty midshipmen, to receive only half pay when not in actual service; and the officers dismissed under that act (and a very considerable number they were) received four months pay in addition to their other emoluments as a gratuity on quitting the public service. This is the act on which we proceeded; and under that act you will find that the expenses of the Navy amounted, in 1802, to \$915,000. Well, sir, it seems we were then of opinion that even our predecessors had in one branch of reform gone far enough. It was not my opinion; but it was the opinion of a majority of this House and of the other. In 1803 the President was authorized to buy or build four vessels, to carry not exceeding sixteen guns each, for the protection of our commerce in the Mediterranean, and towards this object \$96,000 were appropriated. It was not until 1803 that any increase took place in the naval establishment left us (if the expression may be pardoned) by the Federalists. We had slept long enough, I suppose, on reform, and we made this little addition. But, sir, in the unfortunate year of 1806, the memorable year of the schism, as it is called, the year of non-importation-act memory, in that year when we had a war message against Spain on the table, and a message of a different character locked up in the drawer—in that year we passed an act which has been quoted, by which we repealed the second and fourth sections of the act to provide for the Naval Peace Establishment; that is to say, we undid the reform which had been carried into execution by our predecessors—with a very ill grace, I acknowledge, and at the very last time of asking, on the 3d of March, 1801, late at night—it was a forced put, no doubt of it—we passed an act in which we repealed the second and fourth sections of that act, and added to the officers of the Navy as follows: instead of nine captains, to which number the Federal Administration had reduced them, and which number we believed for four years to be amply sufficient, we added five new captains—and yet we ought to recollect that in the interim between these two acts the frigate Philadelphia had been wholly lost, and another frigate (the General Greene) retained in service by the act of the 3d of March, 1801, worse than totally lost, as any one may see who will go and look at her

remains in the navy yard—so that the number of officers made by Congress in 1806 was in the inverse ratio to the number of ships, and, with two frigates less, we determined to have five captains more. This same act of April 21st, 1806, only doubled the number of lieutenants. The act of the 3d of March, 1801, reduced the number to thirty-six; the act of 1806 repealed that reduction and authorized the appointment of seventy-two lieutenants—it is true, sir, that the same act made no addition to the number of midshipmen, nor to the number of ordinary seamen then in service. Then again the act of the 3d of March, 1807, added to that number five hundred seamen, making the whole number of seamen 1,425. Subsequently they have been increased by the act of January 31, 1809, as the House knows, to 2,700—and an increase is authorized to the number of 5,000, with 300 additional midshipmen. I do hope that the gentleman from Pennsylvania, and the gentleman from Massachusetts, will be prepared to give the House some reason, when we have not added a single frigate to the number retained by the act of 1801, when we have even lost two of those retained by that act, when several others are almost in the last stage of decay, why we should require five captains more than the Federal Administration required for a greater number of vessels, and why we should double the number of lieutenants? In other words, why the number of officers should now be fixed agreeably to the act of April 21, 1806, rather than that of the 3d of March, 1801? Sir, the gentleman from Massachusetts has already demonstrated to the House, and I am thankful to him for it—I know with what authority any statement comes from that gentleman—that the real protection afforded to the constituents of my worthy colleague by the bill, as reported by the select committee, is greater than that afforded by the amendment of the gentleman from Pennsylvania—that is to say, that it would keep a greater number of seamen employed, with fewer officers to be sure, because we retain only as many as we want. The efficient protection afforded by the bill as it originally stood is greater at a less expense—because that branch of the naval service of which I have been compelled to present so hideous a picture to this House is left by the amendment untouched. My worthy colleague (Mr. BASSETT) stated yesterday—and I confess it was quite novel to me; I felt so astonished at it as not only to be unable but absolutely to forget to reply to it—that before he left the Department, the ex-Secretary of the Navy had commenced a system of economy, which system it seems is now prosecuting with renovated vigor by the present Secretary—the mantle of Elijah has descended on the shoulders of his successor. I am sorry, sir, to differ with my worthy colleague on so many points; but I am really not sorry that circumstances have put it in my power to prove, from the most incontestable authority, that where I have the misfortune to differ from him, I am most indubitably supported by facts. Now, sir,

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the first year's expenditure under the late Secretary of the Navy was \$915,000. Even in that year the appropriation was exceeded, and we had to pass an appropriation bill to make up the deficit; and from that time to his going out of office, the expenditure of that Department has regularly increased. The second year, the expenditure was \$1,246,000; the next year, 1,273,000; the next year (and this was the year the Philadelphia was taken—she was taken about December, 1803, and that year, I believe, was about the most vigorous of the war) the expenditure was 1,597,000; the next year, 1,649,000; the next year, 1,722,000; the next year, 1,884,000; the next, two millions and a half within a trifle. Now, sir, this is a specimen of such economy as does not suit my taste, nor, I believe, the taste of the people of this country. I believe it is in proof and in the recollection of every member of experience on this floor, that that Department has long ago passed into a proverb of prodigality and waste; and if my honorable colleague will give himself an opportunity to probe it, he will find such was the fact. With respect to the present Secretary of the Navy, I have the best reason to believe that, on his coming into office, he did take various steps to introduce reform into the civil branch of the department—in regulating and checking the pursers, for instance.

Sir, a few days ago a bill was before this House for appropriating a small sum of \$20,000 to prevent the most precious archives not only that this country but that any other country possesses, the evidence of the titles of our political independence, the title-deeds of the great American family, the great charters of our liberty, from destruction. The gentleman from Pennsylvania (Mr. SMILIE) did on that occasion vehemently oppose this bill, and on this ground—(the bill was brought in by a gentleman from Massachusetts—Mr. QUINCY) that though there was no impropriety perhaps in gentlemen on that side of the House voting for unnecessary expenditures of the public money, which, in the present unexampled state of the Treasury, might tend to embarrass the Government—a strange doctrine to be sure—yet it did not become him to do it. I do hope that the worthy gentleman from Pennsylvania, who could not find it in his heart to loosen the purse-strings of the nation for the purpose of preserving the valuable archives of the country, and which, if another fire should break out in the building at the other end of the palace, between this time and the next session of Congress, might be irredeemably destroyed, for which those who were the cause of the destruction would have been answerable—if he would not vote money for this object, I hope he will not insist upon exceeding, in point of expense, as relates to the Navy, the reform which our predecessors, the Federalists, made before they went out of office, which we accepted at their hands and were contented to practise on for four years, and not compel us to go into unnecessary and wanton expenses authorized by the act of April, 1806—when, I have no hesitation in making the asser-

tion, and am prepared to prove it, a material change was effected in the principles of those in Administration, such as I knew them, and such as they were practised upon for about the term of four years, when we began to find that patronage was a very comfortable thing, that office was desirable, that navies were not the bugbear we had thought them, and that armies were very good depositaries for our friends and relatives and dependants who had no better resource. I, therefore, move to amend the amendment of the gentleman from Pennsylvania so as to reduce the Navy to the standard of the act of 1801.

This is indeed, said he, a novel situation in which I find myself—it is unprecedented. Little did I believe that the time would ever come when it would be my lot thus to press economy upon a Republican majority—to intreat that they would come down, not to any ideal or imaginary standard of perfection—not to any theoretical proposition of mine—but that in practice they would come down, on the subject of naval expenditure, to the standard established by their Federal predecessors: and that too when we have lost, as I stated before, the Philadelphia and General Greene, and when, I believe, the John Adams is in a condition that I will not attempt to describe—I understand this vessel is so cut down and metamorphosed that nobody knows what to make of her; that she retains nothing of her former character. When I make this motion, sir, I do it with an intention of moving other amendments to other sections of the bill, so as to make the service of the United States in relation to the navy-yards and marine corps comport with the reduction which will have taken place, provided I have the good fortune to succeed.

Mr. R. then moved to amend Mr. SMILIE'S proposition by adding the following:

“And that the President shall retain in the Navy service of the United States nine captains, thirty-six lieutenants, and one hundred and fifty midshipmen, including those employed on board of the frigates and other armed vessels to be kept in service; and that he be authorized to discharge all the other officers in the Navy service of the United States; but such of the aforesaid officers as shall be retained shall be entitled to receive no more than half their monthly pay during the time when they shall not be under orders for actual service. *And provided further,* That all the commissioners and warrant officers who shall be discharged as aforesaid shall be entitled to receive — months pay over and above what may be due to them respectively at the time they were discharged.”

Mr. JOHNSON expressed his hope that the House would come to some decision, without consuming more of the time of the House in debate.

Mr. SMILIE said he was seriously in favor of a reduction in the Navy, and was therefore opposed to Mr. RANDOLPH'S amendment to his amendment.

After some further remarks of Messrs. RANDOLPH and DANA in favor of a reduction, and Messrs. McKIM, BOYD, and RHEA of Tennessee

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against it, the question was taken on Mr. RANDOLPH'S motion to amend Mr. SMILIE'S amendment, and negatived—yeas 36, nays 67, as follows:

YEAS—Wm. W. Bibb, Daniel Blaisdell, Epaphroditus Champion, Howell Cobb, James Cochran, John Davenport, junior, William Ely, James Emott, Daniel Heister, James Holland, Jacob Hufty, Richard M. Johnson, William Kennedy, Nathaniel Macon, Robert Marion, Archibald McBryde, Samuel McKee, Jeremiah Morrow, Jonathan O. Moseley, Joseph Pearson, Elisha R. Potter, John Randolph, John Rea of Pennsylvania, Ebenezer Seaver, Adam Seybert, Samuel Shaw, Daniel Sheffey, Samuel Smith, Richard Stanford, John Stanley, Jacob Swoope, Benjamin Tallmadge, John Taylor, Jabez Upham, Robert Weakley, and Laban Wheaton

NAYS—William Anderson, Ezekiel Bacon, David Bard, Burwell Bassett, Adam Boyd, John Brown, Robert Brown, William A. Burwell, William Butler, Joseph Calhoun, John Campbell, John Clopton, Orchard Cook, James Cox, William Crawford, Richard Cutts, Samuel W. Dana, John Dawson, Joseph Desha, William Findley, Barzillai Gannett, Gideon Gardner, David S. Garland, Thos. Gholson, Thomas R. Gold, William Hale, Richard Jackson, junior, Walter Jones, Philip B. Key, Herman Knickerbacker, Joseph Lewis, jun., John Love, Matthew Lyon, Aaron Lyle, Vincent Matthews, Alexander McKim, Pleasant M. Miller, Wm. Milnor, John Montgomery, Nicholas R. Moore, Thomas Moore, Thomas Newton, John Nicholson, Benjamin Pickman, junior, Timothy Pitkin, junior, John Porter, Josiah Quincy, John Rhea of Tennessee, John Roane, Ebenezer Sage, Thomas Sammons, Dennis Smelt, John Smilie, George Smith, John Smith, Henry Southard, Samuel Taggart, John Thompson, Uri Tracy, George M. Troup, Charles Turner, jr., Archibald Van Horn, Killian K. Van Rensselaer, Robert Whitehill, James Wilson, Richard Winn, and Robert Witherspoon.

Mr. BACON remarked that as Mr. SMILIE'S motion now stood, it proposed to reduce the number of men very much, without making any reduction in the number of officers. This was not a state of things which he was desirous of promoting, and he suggested the following addition:

"*Provided*, That the whole number of officers to be retained in service shall not exceed that fixed by the act entitled an act in addition to an act entitled "An act supplementary to the act providing for a Naval Peace Establishment and for other purposes," passed the 21st day of April, 1806, nor the whole number of able-bodied seamen and ordinary seamen and boys the number of —."

Mr. SMILIE accepted the modification as a part of his motion.

Mr. SHEFFEY, after expressing his aversion to legislating by references to former laws, moved the following as a substitute for the provision contained in Mr. SMILIE'S proposed amendment:

"*Provided*, That the officers shall not exceed the following numbers and grades, that is to say; thirteen captains, nine masters commandant, seventy-two lieutenants and — midshipman; but the said officers shall receive no more than half their monthly pay during the time when they shall not be under orders for actual service: *And provided further*, That the whole number of able-bodied seamen, ordinary seamen, and

boys, shall not exceed fourteen hundred and twenty-five; but the President may appoint for the vessels in actual service so many surgeons, surgeons' mates, sailing masters, chaplains, pursers, boatswains, gunners, and carpenters as may in his opinion be necessary and proper."

After some observations from Mr. MONTGOMERY.

Mr. MUMFORD moved that the further consideration of the subject be postponed indefinitely, giving as a reason for it his aversion to making any reduction in the Navy in the present state of affairs.

The motion was supported by Messrs. VAN HORN, GHOLSON, and RHEA, of Tennessee, and opposed by Messrs. McKEE, SMILIE and RANDOLPH, and lost—yeas 42, nays 57, as follows:

YEAS—William Anderson, David Bard, Adam Boyd, James Breckenridge, John Brown, Joseph Calhoun, John Clopton, Orchard Cook, James Cox, William Crawford, John Dawson, William Findley, Barzillai Gannett, Gideon Gardner, David S. Garland, Thomas Gholson, Peterson Goodwyn, Walter Jones, Herman Knickerbacker, Joseph Lewis, jun., John Love, Matthew Lyon, Alexander McKim, Pleasant M. Miller, Nicholas R. Moore, Gurdon S. Mumford, Thomas Newton, John Porter, John Rhea of Tennessee, John Roane, Ebenezer Sage, Thomas Sammons, Dennis Smelt, George Smith, Henry Southard, John Thompson, Uri Tracy, Charles Turner, jr., Archibald Van Horn, Richard Winn, and Robt. Witherspoon.

NAYS—Willis Alston, jr., Ezekiel Bacon, William W. Bibb, Daniel Blaisdell, Robert Brown, William A. Burwell, William Butler, John Campbell, William Chamberlin, Epaphroditus Champion, Matthew Clay, Howell Cobb, James Cochran, Samuel W. Dana, Joseph Desha, William Ely, James Emott, Meshack Franklin, William Hale, Daniel Heister, James Holland, Jacob Hufty, Robert Jenkins, Richard M. Johnson, William Kennedy, Philip B. Key, Aaron Lyle, Nathaniel Macon, Robert Marion, Vincent Matthews, Archibald McBryde, Samuel McKee, John Montgomery, Thomas Moore, Jeremiah Morrow, John Nicholson, Joseph Pearson, Benjamin Pickman, jun., Timothy Pitkin, jun., Josiah Quincy, John Randolph, John Rea of Pennsylvania, Matthias Richards, Ebenezer Seaver, Adam Seybert, Samuel Shaw, John Smilie, Samuel Smith, Richard Stanford, John Stanley, Jacob Swoope, Benjamin Tallmadge, John Taylor, Killian K. Van Rensselaer, Robert Weakley, Robert Whitehill, and James Wilson.

Mr. NEWTON then said he was anxious to do his duty; but could not consent to stay here when one-third of the House at least had deserted their seats and fatigue oppressed the remainder. He therefore moved to adjourn.—Carried—yeas 60, after seven hours sitting.

FRIDAY, April 27.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act allowing compensation to Robert Robinson;" to which they desire the concurrence of this House.

Mr. DAWSON, from the committee appointed on the eighteenth instant, on the memorials of

APRIL, 1810.

State of the Army—United States' Consuls.

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Peter C. L'Enfant, presented a bill for the relief of Peter C. L'Enfant; which was read twice, and committed to a Committee of the Whole this day.

Mr. Dawson also made a detailed report in relation to the claim of Peter Charles L'Enfant.

A message from the Senate informed the House that the Senate have passed the bill sent from this House, entitled "An act providing for the sale of certain lands in the Indiana Territory, and for other purposes," with amendments. They have also passed a bill, entitled "An act in addition to an act, entitled 'An act concerning the Library for the use of both Houses of Congress,'" and a bill, entitled "An act to enable the people of the Territory of Orleans to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States, and for other purposes;" and they have also passed a resolution providing an amendment to the Constitution of the United States; to which amendments, bills, and resolution, they desire the concurrence of this House.

On motion of Mr. JOHNSON, the unfinished business (reduction of the Navy) was ordered to lie on the table.

STATE OF THE ARMY.

Mr. NEWTON, from the committee appointed to inquire into the causes of the mortality which prevailed in the detachment of the Army ordered for the defence of New Orleans, made a long report, accompanied with various depositions and other papers. The report, concludes as follows:

"The committee, from a knowledge which they have acquired of the climate of New Orleans and of the country surrounding it, and from the facts stated in the depositions are of opinion that the mortality in the detachment ordered to New Orleans is to be ascribed to the following causes:

"1st. The detachment consisting of new levies.

"2dly. The insalubrity of the climate, the Summer and Autumn of the year 1809 being unusually sickly.

"3dly. To the nature of the ground on which the detachment was encamped at Terre aux Boeuf, and the detention of it at that place during the whole of the Summer, contrary as the committee conceive to the instructions contained in the letter of the Secretary of War bearing date the 30th of April, 1809.

"4thly. To the want of sound and wholesome provisions and of vegetables—the want of an hospital and of hospital stores and medicines.

"5thly. The excessive fatigues to which the troops were subjected in clearing, ditching and draining the ground on which they were encamped.

"6thly. To the want of repose during the night, owing to the troops not being provided with bars and nets to protect them from the annoyance of mosquitoes.

"7thly. The want of cleanliness in the camp, the nature of the position rendering it almost impracticable to preserve it.

"8thly. The sick and well being confined to the same tents, which neither protected them sufficiently from the heat of the sun, nor kept them dry from dews and rains."

The report and documents were ordered to be printed.

CONSULS OF THE UNITED STATES.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the House of Representatives of the United States:

I transmit to the House a report of the Secretary of State complying with their resolution of the 23d instant.

JAMES MADISON.

APRIL 27, 1810.

DEPARTMENT OF STATE, April 26, 1810.

In compliance with the resolution of the House of Representatives of the 23d instant requesting the President of the United States to cause to be laid before them "a statement of the several consular or commercial agents, having authority under the United States in foreign countries, together with the salaries or compensation, if any, allowed to them respectively," the Secretary of State has the honor to transmit to the President of the United States a statement of all the Consuls and Commercial Agents having authority under the United States in foreign countries, together with the salaries and compensations that have been allowed to the Consuls residing at Algiers, Tripoli, Tunis and Morocco.

All the other Consuls and Commercial Agents have been allowed to receive only those fees of office which have been established by the act of Congress. Respectfully submitted.

R. SMITH.

Consuls and Commercial Agents of the United States.

In Great Britain and its Dominions—William Lyman, Consul, London; Elias Vanderhorst, Bristol; Robert W. Fox, Falmouth; James Maury, Liverpool; Thomas English, Dublin; Thomas Auld, Vice Consul, Pooles; James Holmes, Consul, Belfast; John Church, Consul, Cork; John Gavino, Gibraltar; Joseph Pulis, Malta.

In France and its Dominions—David B. Warden, Acting Commercial Agent, Paris; Isaac Cox Barnet, Commercial Agent, Havre de Grace; William Lee, Bordeaux; Thomas Aborn, Vice Commercial Agent, Cayenne; Peter Walsh Commercial Agent, Certe; William Buchanan, Isles of France and Bourbon; Etienne Cathalan, Marseilles; John Appleton, Calais; William D. Patterson, Nantz; Aaron Vail, L'Orient; Thomas Lovell, La Rochelle; Francis Coffyn, Dunkirk; Henry Wilson, Ostend.

In Spain and its Dominions—Joseph Yzuardi, Consul, Cadiz; Robert Montgomery, Alicant; William Kirkpatrick, Malaga; Lewis O'Brien, St. Andero; John Leonard, Barcelona; John Martin Baker, Tarragona and the Isles of Majorca, Minorca, Ivica; John James Armstrong, Island of Teneriffe; Richard S. Hackley, St. Lucar.

In Portugal and its Dominions—William Jarvis, Lisbon; James L. Cathcart, Madeira; John B. Dabney, Azores or Western Islands; Henry Hill, St. Salvador in Brazil.

In the Kingdom of Holland—Sylvanus Bourne, Consul General, Amsterdam; George Jay, Consul, Rotterdam.

In Denmark and its Dominions—Hans Rodolph Saabye, Consul, Copenhagen; Thomas Gamble, Island of Santa Cruz; James McGregor, Island of St. Thomas; Peter Isaacson, Christiansand.

In Prussia—Frederick W. Lutz, Consul, Stettin; William Clark, Embden.

In the Kingdom of Sweden—Robert G. Gardiner, Consul, Gottenburg.

In Germany—John M. Forbes, Consul, Hamburg, Frederick I. Wichelhausen, Bremen; William Riggins, Trieste; Philip Marck, Franconia.

In the Italian States—Thomas Appleton, Consul, Leghorn; Alexander Hammet, Naples; Thomas H. Storm, Genoa; John Broadbent, Messina; Abraham Gibbs, Palermo; Richard O'Brien, Island of Sardinia.

In Russia—Levitt Harris, Consul, St. Petersburg.

In China—Edward Carrington, Consul, Canton.

In Turkey—William Stuart, Consul, Smyrna.

In Algiers—Tobias Lear, Consul General. He has been allowed a salary of four thousand dollars per annum, an outfit of the same sum, and a quarter's salary for the expense of his return; also a reasonable house-rent, the expense of couriers, or postage, of necessary printing, and for the service of a secretary and dragoman.

Tripoli—George Davis, Consul. His salary is two thousand dollars with an outfit of the same sum and a quarter's salary, for the expense of his return, and in all other respects his allowances are the same with those of the Consul General.

Tunis—Charles D. Cox, Acting Consul *ad interim*. The salary and allowance are the same as at Tripoli.

Morocco—James Simpson, Consul.—The salary and allowances are the same as at Tunis and Tripoli.

Ordered to lie on the table.

PUBLIC LANDS.

The engrossed bill to confirm the decision of the commissioners in favor of the claimants to lands in the district of Kaskaskias, was read a third time and passed.

The bill from the Senate to extend the time of payment for public lands in certain cases, was ordered to a third reading to-day.

Mr. BURWELL opposed the passage of the bill. He said that the public lands were a source of revenue to the United States, and the House ought to be extremely careful how they embodied, in the Western country, a set of men who would wrest the fee simple from the United States. We should, said he, take warning by events in some of the States. In some parts of the State of Kentucky, it is found impossible to collect what is owing to the State for lands. So far from being willing to protract the time of payment, I would lessen the obligation which every debtor has to pay. I would rather reduce the price of the public lands, and bring the value into the Treasury, than persevere in a system which would deprive us of half the benefit of the sales of public lands. I am confident that the Chairman of the Committee of Public Lands will agree with me, that it is of importance to press and force as much as possible, without ruining those people, the prompt payment for lands bought of the United States. I was in hopes that the committee would have devised some plan to lessen the balances now due from individuals, and to prevent in future the existence of any balance at all. Perhaps it might be considered an insult to the people of the Western country to say, that any consideration could ever alienate them from the Union; but it is true policy to take from them every motive which could possibly induce them to consent to so ruinous a measure. And, if their debts to the Gov-

ernment increase, there will not be wanting ambitious men to remind them of it, and of a means of at once getting rid of them.

Mr. MORROW observed, that this bill extended the time of payment to those who purchased in 1805. The time had been already extended to those before 1805. This bill extended the time of payment to purchases in the subsequent year, and confined the indulgence to actual settlers. Purchasers in 1805, Mr. M. said, had purchased with good prospects of making payments. It was before the great embarrassments of commerce had commenced. With the gentleman from Virginia, (Mr. BURWELL,) he wished to see the system changed, and that no sales should take place on credit; but, at present, when the sales had been made on credit, and the state of things rendered it almost impossible to make payment, he was desirous to extend to the purchasers in 1805, the same indulgence as had heretofore been extended to others.

Mr. ELY said, that the bill embraced but one principle—that of extending the same principle of indulgence to purchasers in a particular year as had heretofore been extended to purchasers in preceding years. Having granted an extension of the terms of payment heretofore, he was in favor of extending it now. He did not believe it would materially affect the interests of the United States.

Mr. RANDOLPH said the time was fast approaching when they would be compelled, in the case of public lands, as in that of the custom-house duties, to deal only in cash. We have dealt on credit, said he, till the number of people in our debt will form an interest in this House, or perhaps in the nation, to extend the time of payment so as to defeat the debt. I know how very invidious a task it is for a person to get up and oppose the claims of those said to be actual settlers. I know how easy it is to say that speculators will buy up their farms, for which they are unable to complete the payment, and sell them again; and so it would be if we were to sell only at ten cents an acre for cash. The speculators would buy large quantities of it, as their capital would enable them to do, and sell out, taking advanced prices, and mortgages on the land, too, perhaps. I heard a gentleman of considerable mercantile experience, and, I suppose, of considerable influence, too, say that he would bring forward a motion to extend the credit on revenue bonds, since it is a notorious fact, that the mercantile class, from the state of the country, for some time past, have been unable to comply with their obligations. The same principle which would relieve the debtors for lands would also apply to the latter. But, sir, it is not my object to argue the case; but as I, as a member of the Committee of Ways and Means, have often reported against, and succeeded in preventing, an extension of the time of payment, my object is merely to call for the yeas and nays, and obtain an opportunity to register my vote against the bill.

Mr. JOHNSON said that, in voting for the bill, he voted not alone for the accommodation of those

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alone included under the appellation of Western people, but he would afford a small indulgence to a set of men from every part of the United States who have enterprise, but who have nothing else but that and their liberty, and who, for five years, have exerted themselves to pay for the tract of five or six hundred acres on which they have settled. He asked for them the small indulgence of extending the time of payment, to prevent the gripe of avarice from seizing from them that ground they have obtained. Will Congress hesitate one moment, at this session, to do that which they did at the last? What will influence them to do it? Are these men speculators? No, sir; I shall take pleasure in recording on the Journals my vote of indulgence to the people who have settled on little farms, for which they have paid their last shilling, and who are about to be deprived, unless we interfere, of that land they have improved by their own labor. Is there any likeness between these debts and revenue bonds? The merchant could not ask for indulgence in the latter case; I would turn my face and raise my voice against it. A man who settled on the land in 1805, and paid everything he had, to save his property from confiscation, asks indulgence of protracted payment—and will you refuse the request? You give him nothing; he is to pay interest for the money; it will not affect the revenue a cent. We did the same thing at the last session as to other purchasers. Are we different men now? Do we hold different sentiments? I did not expect that the gentleman from Virginia would have opposed this bill, when I have had the high gratification of hearing him vote against the statute of limitations, in opposition, however, to the opinion of many good and virtuous members who voted against us. No doubt he is actuated by the same motives now as then; but there seems to be a sad reverse of feeling. He must view this subject in a different light from me, or he would not raise his voice against the extension of payment to men who improved land, not by the labor of slaves, but by their own labor, and who carried nothing else there but their own industry.

Mr. ELY said, that this was an indulgence important to those who asked it, and not very important to the United States, and he was, therefore, disposed to grant it. In regard to the whole subject of the sale of land and extension of credit, he rather thought it was not correctly understood in its effects by the House generally. It had been heretofore said that it was necessary to reduce the price of public lands, and sell only for ready money; and the main reason assigned in support of this doctrine was, that sales of lands were increasing largely, and that the money due by debtors for lands was daily increasing, producing an effect injurious to the interests of the United States. In pursuance of this idea, Mr. E. said a bill had been before the Senate, this very session, providing for a change of the whole system. In the course of the investigation on the subject, certain documents had been called for to show whether the debt accruing on the sales of public

lands had increased so much as was, by some gentlemen, supposed. It had been found, however, that the debts for public lands actually diminished; and, the payments made being greater than the amount of the sales, that no danger existed on that ground. On learning that fact, the bill was lost. The apprehension of the effects of extending the time of payment on account of the great sum due was therefore, in some degree, without foundation.

Mr. P. M. MILLER said that, if gentlemen would amend the bill so as to forgive the debts due to the United States, he might agree to vote for it. I, said Mr. M., came from that part of the country which might be expected to be anxious for the passage of such a law; but, so far from being of service, I know that these laws do injury to the people themselves, and I should have supposed that the gentleman from Kentucky, who has witnessed the sales on Green river, might have borne testimony to the fact. The time is not far off, if you continue these extensions of payment, when the debtors will speak in a language which you cannot resist, which you dare not resist. If they are in your debt, they become your enemies. The numbers now claiming this indulgence are but few; but, as you increase your sales, you will increase your enemies—for so I will call them—not that they are worse than other people—I believe them quite as good. But, while I am willing to relieve them, I cannot reconcile myself to this law. The people, from an avidity to hold property, will purchase when they know that they cannot pay for it. Gentlemen might as well tell you of the claim on your generosity of the debtor whose property is sold to pay his debts. In point of fact, they have no claim upon you. When they became purchasers, they knew the terms. If, from any circumstances, they are unable to pay, forgive them the debt; for, if you do not, the time is not far distant when they will become so numerous and clamorous, that you cannot resist them. They will become your enemy. It would be far better to forgive them the debt; but I cannot, consistently with my duty, vote for this bill. I know that, in the State where I live, one whole county has been purchased from the State, at as low a price as a dollar an acre. The Legislature has been compelled to give the purchasers ten years indulgence; and, I venture to say, the time never will come when we can compel them to pay. My knowledge of what has taken place in the State which I have the honor, in part, to represent, and my being a little conversant in the mode of purchasing public lands, induce me to believe it will be to the prejudice of the country to extend the time of payment.

I admire the zeal of the gentleman from Kentucky; I feel for these people as much as anybody else; but it is not a correct allusion to compare these with other claims which are bottomed on legal right, but barred or destroyed by the statute of limitations. I would put the question to you, sir, and, through you, to the House, whether there is any similarity between the two cases. So far as I can understand it, there is not. These

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people have no legal right. They have merely made a contract, and cannot comply with it, in consequence of which the contract will be void. I do believe, and never was better convinced of any fact than that, if you indulge these persons in their desires, you will and must indulge them for ever. There will be no end to it. They will increase upon you, and you must give way to them.

Mr. LYON said that, if the United States refused to sell on credit, individuals holding large quantities of land would sell it to advantage, whilst the United States would sell but little. The lands now for sale by speculators were lower than the lands of the United States; and persons desirous to purchase could obtain lands of equal value in the neighborhood of the United States at one dollar per acre. There were but two reasons which gave a preference to the United States' lands. The first was the extensive credit given for them; the second, was the confidence which the people felt in the security of titles derived from the United States. It is apparent, from what the gentleman from Massachusetts told the House, that there is no increase of debtors. I do not believe there is a person in this House who is or ever was in debt to the United States. I never bought of the United States, because I have been able to buy on better terms. As to the land on Green river, the reason of the State's not coercing payment is, perhaps, that a majority of the persons in the Legislature are interested in them. No States but Kentucky, Tennessee, and Ohio, are interested in the sales of public lands; and I have no idea, if they were all to join, that they could ever drive the Councils of the nation to any measure relative to lands. There are no enemies to the Government in that quarter—I know not what the gentleman means by the observation. I should have supposed that the gentleman's disposition to forgive the debt would have left him to extend the time of payment. The man who settles land is meritorious, and you ought not to be cruel to him. I hope that the bill will pass.

Mr. J. G. JACKSON said he should not do justice to his feelings, if he did not throw in his feeble mite in behalf of those persons who now asked for indulgence, who had purchased at a time, as had been properly remarked, when they could not have foreseen the obstacles which impeded their power of making payment. No person in the House was interested in the bill; no one could be, (as the extension was confined to actual settlers,) but the gentleman from Ohio, (Mr. MORROW,) and he was assured that the gentleman had never purchased an acre. The persons asking indulgence were those who had paid all the money but the last instalment, and asked an extension of the time of payment for the remainder; and the bill compelled them, before receiving the indulgence, to pay up all the arrears of interest; otherwise their lands were to be exposed to sale.

I am not sorry, said Mr. J., that this subject has attracted the attention of gentlemen on all sides of the House; for it will prove the necessity of revising the land system, and reducing the evils

which I fear will soon increase to such an extent as to render it beyond the power of the Government to remove them. Last year, a greater indulgence than is now asked, was intended to another class of purchasers; greater, because the indulgence was not limited to actual settlers. It has been a favorite object of the officer at the head of the Treasury Department to induce the House to sell for cash only. When the subject was under discussion in the Senate, the papers were filled with insinuations of the great danger of lands being amassed by speculators; but I presume the danger will be considered as diminished, when it is understood that lands in other States may be purchased to any amount at half the price of the public lands. At present, to guard against speculators, you sell the land to persons who calculate, after paying one-fourth of the purchase money, to receive the rest from the product of the soil; and, if it cannot be sold, they cannot pay. With reference to the people who will be affected by this bill, there is no people in any part of the country more disposed to obey the laws of the Union. They will submit to their lands being sold, though to their utter ruin, because they are not able to pay for the land which they purchased in a state of nature. They will not resist the laws, though thousands should be turned from their property, whose only dependence for subsistence is on the land. They do not, on account of the extension of payment, omit paying when they can, because the balance due in 1807 amounted to \$2,318,000, and in 1810 to but \$1,812,000. The debt, then, is now \$500,000 less than it was on the first of January, 1807. These people will pay as soon as they are able, and a small indulgence is asked to actual settlers only. I hope, therefore, that the bill will pass, and that gentlemen will be so fully impressed with the necessity of an amendment of the system, as that they will be induced to do away the system of credit, and thus also the danger which now, in my opinion, exists; for, when we are about to sell thousands of plantations, and the settlers must be turned from their lands, they may be induced, by distress, to resist the laws; and we have the more occasion to fear it, when we reflect that, in a case of much less severity, the Marshal of the United States has been resisted, under the authority of a State, (Pennsylvania,) in the execution of the laws by an armed force.

Mr. McKEE said, that the lands in Kentucky, which had been alluded to, had been sold out to actual settlers. He had himself been a member of the State Legislature when indulgence was granted to these people, who did not even ask for it. The State had never experienced any difficulty in collecting these debts. Had it been the disposition of the State to enforce the collection, the debt would have been paid, or the lands sold, without an effort on the part of the settlers. The conclusions drawn from these premises are therefore entirely erroneous. I have no sort of interest in the purchase of land myself, nor any friends or particular acquaintances who have; and therefore may be considered an impartial juror. But

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I know that many have purchased under the fairest prospects of making payment. Many of them, when they removed to the State of Ohio, sold the lands on which they had lived on a credit. It is well known to many members of the House that, owing to the restrictive system, the Legislatures of Kentucky and Virginia, as well as other States, passed laws suspending the execution of the law in their respective States. The debts due to individuals were tied up; so that individuals who sold lands, from the proceeds of which they expected to pay for the public lands they purchased, have been unable to comply with the terms; and, unless this law pass, they must be exposed to be turned out to beggary and distress. He therefore hoped the bill would pass.

Mr. SMILIE said he considered this case as addressing itself as strongly to the feelings as any case he had ever known. These persons, after having paid three instalments, asked an indulgence of one year for the remainder. With respect to other classes of men, involved in difficult and distressing circumstances, indulgence had heretofore been granted. In the case of some fire which had occurred in a seaport town, an extension of the time of payment of revenue bonds in that town had been given. In private life, this indulgence was often extended both for justice and for interest. Could this House, unmoved, witness the distress of families driven from their homes; of families which had travelled through the wilderness, and spent four or five years in changing the state of their plantations from wilderness to cultivation? If they were now to be ousted from their plantations and turned adrift on the world, they would be rendered desperate and, to some measure, useless to society. Mr. S. said, he hoped, that out of good policy, for these persons had no legal claims, the House would grant a further time for payment.

The question was then taken on the bill, which was passed—yeas 68, nays 25, as as follows:

YEAS—Willis Alston, junior, William Anderson, Ezekiel Bacon, Adam Boyd, James Breckenridge, John Brown, Robert Brown, Joseph Calhoun, John Campbell, William Chamberlin, John Clopton, Howell Cobb, James Cochran, James Cox, William Crawford, Richard Cutts, Joseph Desha, William Ely, Jas. Emott, Wm. Findley, Barzillai Gannett, Gideon Gardner, David S. Garland, Thomas Gholson, Peterson Goodwyn, William Hale, James Holland, Benjamin Howard, John G. Jackson, Richard Jackson, junior, Richard M. Johnson, William Kennedy, Philip B. Key, Jos. Lewis, junior, Matthew Lyon, Aaron Lyle, Robert Marion, Samuel McKee, Alexander McKim, John Montgomery, Nicholas R. Moore, Jeremiah Morrow, Benjamin Pickman, jun., Timothy Pitkin, jun., John Porter, Elisha R. Potter, John Rea of Pennsylvania, John Roane, Ebenezer Sage, Thomas Sammons, Ebenezer Scaver, Adam Seybert, Samuel Shaw, Dennis Smelt, John Smilie, George Smith, John Smith, Samuel Smith, Henry Southard, Richard Stanford, Samuel Taggart, Benjamin Tallmadge, John Thompson, Jabez Upham, Laban Wheaton, Robert Whitehill, James Wilson, and Richard Winn.

NAYS—Burwell Bassett, William W. Bibb, William A. Burwell, William Butler, John Dawson, Meshack

Franklin, Jacob Hufty, Walter Jones, Nathaniel Macon, Vincent Matthews, P. M. Miller, Wm. Milnor, Gurdon S. Mumford, Joseph Pearson, Josiah Quincy, John Randolph, John Rhea of Tennessee, Matthias Richards, John Stanley, Jacob Swoope, John Taylor, Uri Tracy, Charles Turner, junior, Archibald Van Horn, and Robert Weakley.

The House resolved itself into a Committee of the Whole on the bill from the Senate, entitled "An act to erect a light-house at the entrance of Scituate harbor, a stone column on a spit of land at the entrance into Boston harbor, and a beacon on Beach point, near Plymouth harbor, in the State of Massachusetts; a light at the entrance of Bayou St. John, into Lake Pontchartrain; and two lights on Lake Erie;" and after some time spent therein the Committee rose, and reported the bill with an amendment thereto; and the House adjourned.

SATURDAY, April 28.

Mr. MILNOR, from the committee, appointed on the twenty-sixth instant, made a report; which was read at the Clerk's table, and the resolution therein contained concurred in by the House, as follows:

Resolved, That the several witnesses summoned by the committee appointed to inquire into the cause or causes of the great mortality in that detachment of the Army ordered for the defence of New Orleans, and by the committee appointed to inquire into the conduct of Brigadier General James Wilkinson, shall be allowed and paid for every day's attendance on said committees the sum of three dollars, and also at the rate of twelve and a half cents for every mile they shall necessarily travel in coming to the city of Washington, and in returning to their usual place of residence; and that the messengers employed to summon any of the said witnesses be allowed and paid the same rate of mileage; and the sums so allowed shall be paid by the Clerk out of the contingent fund of this House, on orders drawn by the chairmen of the respective committees aforesaid: *Provided*, That no witness, who was in the city of Washington at the time of being summoned, shall be entitled to receive any allowance for mileage.

The House proceeded to consider the resolution sent from the Senate, proposing an amendment to the Constitution of the United States; and the same being twice read, was referred to the Committee of the Whole on the state of the Union.

The House proceeded to consider the amendments of the Senate to the bill, entitled "An act providing for the sale of certain lands in the Indiana Territory, and for other purposes;" and the same being read, were concurred in by the House.

Ordered, That Mr. MONTGOMERY be excused from serving on the committee appointed to inquire into the conduct of Brigadier General James Wilkinson.

The bill sent from the Senate, entitled "An act to enable the people of the Territory of Orleans to form a constitution and State government, and for the admission of such State into

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the Union on an equal footing with the original States, and for other purposes," was read twice, and committed to a Committee of the Whole on Monday next.

The bill sent from the Senate, entitled "An act allowing compensation to Robert Robinson," was read twice, and committed to a Committee of the Whole on Monday next.

The bill sent from the Senate, entitled "An act in addition to an act, entitled 'An act concerning the Library for the use of both Houses of Congress,'" was read twice, and ordered to be read the third time on Monday next.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act concerning the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes," with amendments; in which they desire the concurrence of this House.

REDUCTION OF THE NAVY.

The House resumed the consideration of the bill for reducing the Naval Establishment of the United States.

Mr. SMILIE's amendment was modified so as to fix the number of officers, &c., to be retained in service, as follows: thirteen captains, nine masters commandant, seventy-two lieutenants, — midshipmen and — seamen, ordinary seamen and boys.

Mr. MUMFORD again moved to postpone the further consideration of the subject indefinitely — lost, yeas 40, nays 54.

Mr. RANDOLPH moved to strike out the numbers thirteen, nine, and seventy-two, in the amendment, being desirous of reducing the officers, if any part of the establishment. Motion lost, yeas 40, noes 46.

Mr. N. R. MOORE called for a division of the question on Mr. SMILIE's amendment.

And the question was taken on that part of it which authorizes the President to keep in service so many of the armed vessels as he may think proper, and to lay up the rest in ordinary in convenient ports. This part of the amendment was agreed to — yeas 61, nays 38, as follows:

YEAS—Willis Alston, jr., Ezekiel Bacon, Daniel Blaisdell, Robert Brown, William Butler, William Chamberlin, Epaphroditus Champion, Matthew Clay, Howell Cobb, Jas. Cochran, John Davenport, jr., Jos. Desha, William Ely, James Emott, William Findley, Meshack Franklin, Gideon Gardner, Thomas Gholson, Peterson Goodwyn, Daniel Heister, James Holland, Jacob Hufty, Robert Jenkins, William Kennedy, Philip B. Key, Matthew Lyon, Aaron Lyle, Nathaniel Macon, Robert Marion, Vincent Matthews, Archibald McBryde, Sam'l McKee, John Montgomery, Nicholas R. Moore, Thos. Moore, Jeremiah Morrow, Jonathan O. Moseley, Joseph Pearson, Benjamin Pickman, jun., Timothy Pitkin, jr., Elisha R. Potter, John Randolph, John Rea of Pennsylvania, Matthias Richards, Ebenezer Seaver, Adam Seybert, Sam'l Shaw, Daniel Shetty, John Smilie, Geo. Smith, Samuel Smith, Richard Stanford, John Stanley, Jacob Swoope, Benjamin Tallmadge, John Taylor, George M. Troup, Jabez Up-

ham, Robert Weakley, Laban Wheaton, and Robert Whitehill.

NAYS—William Anderson, David Bard, Burwell Bassett, Adam Boyd, John Brown, William A. Burwell, Joseph Calhoun, John Campbell, John Clopton, James Cox, William Crawford, Richard Cutts, Samuel W. Dana, Barzillai Gannett, David S. Garland, Walter Jones, Joseph Lewis, junior, John Love, Alexander McKim, Pleasant M. Miller, William Milnor, Gardon S. Mumford, Roger Nelson, Thomas Newton, John Porter, Josiah Quincy, John Rhea of Tennessee, John Roane, Ebenezer Sage, Thomas Sammons, Dennis Smelt, John Smith, Henry Southard, Archibald Van Horn, Killian K. Van Rensselaer, James Wilson, Richard Winn, and Robert Witherspoon.

The second clause of Mr. SMILIE's amendment being under consideration—

Mr. SMILIE moved to fill the blank for the number of midshipmen with "one hundred and fifty" (about half the number at present in service)—Agreed to, yeas 51, noes 37.

The question was stated on filling the blank for the number of seamen to be retained with "two thousand seven hundred and twenty-three," as moved by Mr. BASSETT.

Mr. LYON observed that, being opposed to the total destruction of our little Navy, he having made some efforts to get rid of the business at this late period of the session, when it was impossible to act upon the subject of reduction with due deliberation, he hoped he should not be thought to be trifling away the precious time of the House, when the subject was so hard pressed upon us, if he should at this time endeavor to make himself understood on this subject. Indeed, he considered it an indispensable duty. From the possession of a surplus of one commodity, and the desire or want of another, naturally arises commerce, said Mr. L. From the exercise of commerce, naturally arises a desire to extend itself. From a desire to extend commerce, arises a desire to defend it; out of this desire a navy will grow, where the means are attainable. Agriculture, in many countries, is to this day considered as merely the business of raising from the earth bread and domestic comforts for the family that carry it on; but in this country agriculture produces the means for commerce to operate. The operation of commerce in the encouragement of agriculture is daily developing its true character in this country; therefore agriculture and commerce are coming to act together; and they will produce, under our Republican system, a Government favorable to commerce. Such a Government will have a navy, and, believing as I do, this will be the result of the operations of our Government, I cannot yield to this momentary impulse for destroying the little Navy we have, merely to expose the nation to the expense of building it up again, and to the nakedness to which it would be exposed during the time between pulling down and building up.

Latterly, sir, this seems to be a Government of which the most prominent feature is vibration—a Government of extremes, never stationary. One day the Constitution is to be amended or explain-

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ed, in order to enable the Government to lay out our surplus revenue in national improvements and embellishments. Our Secretary of the Treasury has to torture his brain to find out a mode by which the extinguishment of national debt is to be accelerated. Another day, all the establishments of the Government are to be torn down, in order to bring our expenditure to our means, although our means are no more stationary than the mind of the Legislature. One day, gunboats is all the rage; another day, they are to be cast away in as great disgust as the fickle girl throws from her the bonnet which has become unfashionable, and which but a few weeks before was the first object of her ambition. One day, life and fortune is to be pledged for the carrying trade, for the defence of our commercial rights. One day, commerce and the free use of the ocean is everything; the next day, as it were, foreign commerce is nothing, we can and will supply our wants; we will make a dignified retreat from the ocean. I shall never forget the solemnity with which we were told of the capture of the frigate in the bay of Tripoli—the consternation that seized the great men of this nation at the loss of one of our frigates. Nothing but the thought of the poor fellows who were in slavery could keep me from laughing, when I looked at the confirmed gravity of the countenances of gentlemen in this House at the loss of a single ship. Life and fortune was then to be pledged, and so eager were we to repair the loss and wipe the stain from the American character, that a unanimous vote passed this House to raise a tax upon this nation. This tax, although expressly limited in its duration, which has long since expired, has been continued, and is now continued, under a false name; and many of those who were in that unanimous vote are now reminded that they have tied a knot with their tongues which they have not been able to untie with their teeth. I find, sir, many of the same gentlemen who were then, as it were, panic struck at the loss of one frigate, are now become so valiant that they can spare them all without regret. And pray, sir, was there any more occasion for our frigates then than now? Is there no Tripoli now to make unreasonable demands upon us, to threaten us, to rob or plunder our ships, and to enslave our seafaring men? Is there no Algiers, no Tunis, no Morocco, no Barbary Powers? or have these barbarians become more reasonable in their demands, more faithful to their treaties, or more humane to their slaves? I ask gentlemen who are for the annihilation of our little Navy, if they could have their will, and put it down this day, and to-morrow they should be informed that eight or ten corsairs from Barbary were hovering on our coast, that they had captured four or five large American ships on their return from Europe and India, that they were daily picking up the smaller vessels, that they had taken all our gunboats and revenue cutters they could find, that they had taken refuge on Amelia island, or some other island, of which they had possessed themselves, and from whence they could make their excursions

at pleasure—would they not, to-morrow, repent of their rashness? Would they not put on the same grave face they did on the loss of the Philadelphia in 1804? I know they would, sir; and the cry of, “something must be done,” would be revived and resounded in this House. I ask gentlemen if they think there is anything but terror and apprehension of defeat that keeps these barbarians from doing, or attempting to do, all this? And from whence this terror, these apprehensions, arise? Is it from a knowledge that we have wood, iron, tar, and hemp enough, to make ships, and a brave militia to defend our country? No, sir; it arises from a knowledge that we have frigates and brave tars to check their progress and chastise their temerity. We cannot long conceal from them the destruction of our little Navy. The same conduct, on their part, which provoked us to commence building a navy at the outset, will be acted over again, and should we now put down our Navy it would not be three years before we should be in the act of regenerating it with immense national loss, and at immense national expense. I well remember when the popular cry was, that he who would not use every exertion to regain our fellow-citizens from Algerine slavery, ought himself to be an Algerine slave. The building frigates, to punish the barbarians and protect our men and ships, was popular. In like circumstances, it would be popular again. I hate pulling down, where I know it is only to build up again. I detest this frequent swinging of the political pendulum from one extreme to the other; and when I see that pendulum about to be set in motion, I generally brace against the vibration. I know very well that the Navy we have got costs too much, for what it does. I know we are continually hiring private ships to run of errands, which ought to be done by public ships, which are idle at the same time. Little as I like the Russian mission, and the man that mission was sent by, I felt my indignation rise when I saw the manner of his entry into Petersburg; the insult offered him; and the neglect shown to him, because he went out in a merchant ship when we had frigates enough doing nothing; officers and men enough who would have been proud to have themselves shown, and their ship in a foreign port, on such an occasion.

There has undoubtedly been too much money spent in our navy-yards, too many professional lookers-on kept in pay there. I am either willing to leave it with the Executive to correct these abuses during the recess, or I am willing to vote that a specified reasonable sum may be expended, in each navy-yard, for every year, and no more. If we had time, I would be willing to go into the subject at large, but I am not yet willing to pull all down at once, because abuses have crept in. If I should find, when I go home, that there has been a great deal too much whiskey drank about my still-house, and there has been abuses in its management, and my wife should insist that I must pull down the house and destroy the stills, I would reason with her, and tell her that I had set up the still-house to consume

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the surplus grain of my own and my neighbors' farms, and send the whiskey where it would fetch us cash, after saving enough for our comfort; that all things calculated for comfort and accommodation were subject to abuse; that we must correct the abuses, as far as we can, but the main object must be pursued—so in this case. Indeed, sir, when I have seen gentlemen so eager to go to war with England or France, or both, and saw that they placed reliance on this little Navy, I was almost inclined to join with those who were for pulling it down, for I thought we had better lose our little Navy and begin anew, than be involved in an endless war for the ocean; a war which, began now, would forever keep us too poor to use that ocean, if it was surrendered to us. But, sir, I see now the war-song is grown old and stale; war speeches have got out of fashion, as much as the bonnets that were worn twelve months ago, and I have returned to the Navy, to my old doctrine. Awe and chastise the little Powers that would insult and abuse you; for this you want your little Navy. Correct the abuses which have crept into the system; treat and temporize with the great Powers. What cannot be got that way, waive any dispute about; let the nation grow; let your naval power grow with the nation's growth; you will, by that means, be getting ahead, not only of the smallest, but of second and third-rate Powers, until the day shall arrive when you may bid defiance to any Power on earth. The powers and attributes of growth being such, in this nation, as no nation ever knew before—we may safely rely on them. It is these powers and attributes of growth that makes me, on these subjects, feel that I am legislating for another country. I know my days cannot be long here, but I am just as eager that my progeny, and that of my cotemporaries, should have every advantage of this growth, as if I were sure to live to see and enjoy it myself.

I beg gentlemen not to suffer the panic that has seized them at the appearance of the destruction and havoc they have made with the revenue, by the *manly attitude of self-destruction* they took, some years ago, to operate on them, to the destruction of every vestige of power in the Government. If they will but have patience, and leave things to take their course, all will be right again. This national growth, which I almost idolize, will not only repair the injuries their errors have caused—errors which I warned them of in season—but it will draw the veil of oblivion over them, and the perpetrators will be forgiven, on the score of good intention. As to the object of the present motion, it is merely to tell the President that, in no case shall he employ more than so many seamen; it is to reduce the number of seamen that the law now authorizes him to employ. If, sir, I might possibly be apprehensive of the President's employing too many officers, as I know he is constantly solicited on that head, I never can be afraid of his employing too many seamen; but seamen will not beset the palace to demand employ. It is not embargo times now, and never will be again, I hope, and they do not

beg for employment. I wish not so to tie up the President's hands as to disable him from sending out a ship to her destined station, before the ship on that station returns home and dismisses her hands. Such embarrassment has happened before now. The seamen's wages are but a small item, it seems, in our naval expenditures; and I am perfectly willing to place unlimited confidence on this score.

The following are the yeas and nays on the question of filling the blank with two thousand seven hundred:

YEAS—William Anderson, David Bard, Burwell Bassett, Adam Boyd, John Brown, William A. Burwell, Joseph Calhoun, John Campbell, John Clopton, Orchard Cook, James Cox, William Crawford, Richard Cutts, Samuel W. Dana, Barzillai Gannott, Gideon Gardner, David S. Garland, Thomas Gholson, Peterson Goodwyn, Walter Jones, Joseph Lewis jun., John Love, Matthew Lyon, Alexander McKim, Pleasant M. Miller, Wm. Milnor, Nicholas R. Moore, Gurdon S. Mumford, Roger Nelson, Thomas Newton, John Porter, Josiah Quincy, John Rhea of Tennessee, John Roane, Ebenezer Sage, Thomas Sammons, Dennis Smelt, George Smith, John Smith, Henry Southard, John Thompson, Archibald Van Horn, Killian K. Van Rensselaer, James Wilson, Richard Winn, and Robert Witherspoon.—46.

NAYS—Ezekiel Bacon, William W. Bibb, Daniel Blaisdell, Robert Brown, William Butler, William Chamberlin, Epaphroditus Champion, Matthew Clay, Howell Cobb, James Cochran, John Davenport, jun., Joseph Desha, William Ely, William Findley, Meshack Franklin, Daniel Heister, Jacob Hufty, Wm. Kennedy, Philip B. Key, Aaron Lyle, Nathaniel Macon, Robert Marion, Vincent Matthews, Archibald McBryde, Samuel McKee, John Montgomery, Thomas Moore, Jeremiah Morrow, Jonathan O. Moseley, Joseph Pearson, Benjamin Pickman, jr., Timothy Pitkin, jr., Eliza R. Potter, John Randolph, John Rea of Pennsylvania, Matthias Richards, Ebenezer Seaver, Samuel Shaw, Daniel Sheffey, John Smilie, Samuel Smith, Richard Stanford, John Stanley, Jacob Swoope, Samuel Taggart, Benjamin Tallmadge, John Taylor, George M. Troup, Jabez Upham, Robert Weakley, Laban Wheaton, and Robert Whitehill.—52.

The question was then taken on filling the blank with "two thousand," as moved by Mr. PIERMAN, and lost—yeas 39, nays 56, as follows:

YEAS—William Anderson, David Bard, Burwell Bassett, John Brown, Joseph Calhoun, John Campbell, John Clopton, Orchard Cook, William Crawford, Richard Cutts, John Dawson, Gideon Gardner, David S. Garland, Thomas Gholson, Peterson Goodwyn, Benjamin Howard, Walter Jones, Joseph Lewis, jr., John Love, Matthew Lyon, Alexander McKim, Pleasant M. Miller, William Milnor, Thomas Newton, Benjamin Pickman, jr., John Porter, Josiah Quincy, John Roane, Ebenezer Sage, Dennis Smelt, George Smith, John Smith, Henry Southard, John Thompson, Charles Turner, jr., Killian K. Van Rensselaer, James Wilson, Richard Winn, and Robert Witherspoon.

NAYS—Willis Alston, junior, Ezekiel Bacon, Daniel Blaisdell, Robert Brown, William Butler, William Chamberlin, Epaphroditus Champion, Matthew Clay, Howell Cobb, James Cochran, John Davenport, jr., Joseph Desha, William Ely, James Emott, William Findley, Meshack Franklin, Daniel Heister, Jacob

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Hufty, William Kennedy, Philip B. Key, Aaron Lyle, Nathaniel Macon, Robert Marion, Vincent Matthews Archibald McBryde, Samuel McKee, John Montgomery, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, Jonathan O. Moseley, Gurdon S. Mumford, Timothy Pitkin, jun., Elisha R. Potter, John Randolph, John Rea of Pennsylvania, John Rhea of Tennessee, Matthias Richards, Thos. Sammons, Ebenezer Seaver, Samuel Shaw, Daniel Sheffey, John Smilie, Samuel Smith, Richard Stanford, John Stanley, Jacob Swoope, Samuel Taggart, Benjamin Tallmadge, John Taylor, George M. Troup, Jabez Upham, Archibald Van Horn, Robert Weakley, Laban Wheaton, and Robert Whitehill.

The question was taken on filling the blank with "one thousand four hundred and twenty-five," as moved by Mr. SHEFFY, and carried, as follows:

YEAS—Willis Alston, junior, Ezekiel Bacon, Daniel Blaisdell, William Butler, William Chamberlin, Epaphroditus Champion, Matthew Clay, Howell Cobb, James Cochran, Richard Cutts, John Davenport, jun., John Dawson, Joseph Desha, William Ely, James Emott, William Findley, Meshack Franklin, David S. Garland, Thomas Gholson, Peterson Goodwyn, Benjamin Howard, Jacob Hufty, William Kennedy, Philip B. Key, Joseph Lewis, junior, Robert Marion, Vincent Matthews, Archibald McBryde, Samuel McKee, John Montgomery, Thomas Moore, Jeremiah Morrow, Jonathan O. Moseley, Timothy Pitkin, junior, Elisha R. Potter, John Rea of Pennsylvania, Matthias Richards, Ebenezer Seaver, Daniel Sheffey, Dennis Smelt, John Smilie, Samuel Smith, Richard Stanford, John Stanley, Samuel Taggart, Benjamin Tallmadge, John Taylor, George M. Troup, Charles Turner, junior, Jabez Upham, Robert Weakley, Robert Whitehill, and James Wilson.—53.

NAYS—William Anderson, David Bard, Burwell Bassett, William W. Bibb, Adam Boyd, John Brown, Robert Brown, Joseph Calhoun, John Campbell, John Clopton, Orchard Cook, William Crawford, Samuel W. Dana, Gideon Gardner, Daniel Heister, Walter Jones, John Love, Nathaniel Macon, Alexander McKim, William Milnor, Nicholas R. Moore, Gurdon S. Mumford, Thomas Newton, Benjamin Pickman, jun., John Porter, Josiah Quincy, John Randolph, John Rhea of Tennessee, John Roane, Ebenezer Sage, Thomas Sammons, Samuel Shaw, George Smith, John Smith, Jacob Swoope, Archibald Van Horn, Killian K. Van Rensselaer, Laban Wheaton, Richard Winn, and Robert Witherspoon.—40.

The question was then taken on the second clause of Mr. SMILIE's amendment, and carried, as follows:

YEAS—Ezekiel Bacon, William W. Bibb, Daniel Blaisdell, Robert Brown, William Butler, Epaphroditus Champion, Matthew Clay, Howell Cobb, James Cochran, John Davenport, junior, Joseph Desha, William Ely, James Emott, William Findley, Meshack Franklin, Thomas Gholson, Peterson Goodwyn, Daniel Heister, Jacob Hufty, John G. Jackson, William Kennedy, Philip B. Key, Aaron Lyle, Nathaniel Macon, Robert Marion, Vincent Matthews, Archibald McBryde, Samuel McKee, John Montgomery, Thomas Moore, Jeremiah Morrow, Jonathan O. Moseley, Timothy Pitkin, junior, Elisha R. Potter, John Randolph, John Rea of Pennsylvania, Matthias Richards, Ebenezer Seaver, Adam Seybert, Samuel Shaw, Daniel Shof-

fey, Dennis Smelt, John Smilie, Samuel Smith, Richard Stanford, John Stanley, Jacob Swoope, Samuel Taggart, Benjamin Tallmadge, John Taylor, George M. Troup, Charles Turner, junior, Jabez Upham, Robert Weakley, Laban Wheaton, Robert Whitehill, and James Wilson.—57.

NAYS—William Anderson, David Bard, Burwell Bassett, Adam Boyd, John Brown, William A. Burwell, Joseph Calhoun, John Campbell, John Clopton, Orchard Cook, James Cox, William Crawford, Samuel W. Dana, John Dawson, Barzillai Gannett, Gideon Gardner, David S. Garland, Walter Jones, Joseph Lewis, junior, Alexander McKim, Pleasant M. Miller, William Milnor, Nicholas R. Moore, Gurdon S. Mumford, Roger Nelson, Thomas Newton, Benjamin Pickman, junior, John Porter, Josiah Quincy, John Rhea of Tennessee, John Roane, Ebenezer Sage, George Smith, John Smith, Henry Southard, Archibald Van Horn, Killian K. Van Rensselaer, Richard Winn, and Robert Witherspoon.—39.

The question being about to be taken on the whole of Mr. SMILIE's proposition—

Mr. McKIM renewed the motion, with a view to saving the time of the House, to postpone the further consideration of the subject indefinitely. He said he felt a firm persuasion that if this bill passed this House, it could not be passed in the other branch of the Legislature. They had this morning returned to the House a bill with an amendment authorizing a convoy system; and with this disposition it could not be expected that they would agree to reduce the Navy.

Mr. KEY spoke against indefinite postponement. This House, he said, ought to legislate as it deemed proper, without reference to the acts or disposition of any other branch of the Government, except when specifically before them. This House deeming it proper to reduce the Navy, ought not to be deterred from acting as they thought proper, by an anticipation of the fate of the bill in the other House.

Mr. MACON spoke against indefinite postponement.

Mr. MONTGOMERY protested against being considered as owing any allegiance to the Senate. The House of Representatives ought not to act with reference to the disposition of any other body whatever. Even this morning a bill had been returned from the Senate in which they had attempted to hold a rod over the House. [Mr. M. was here called to order.] He said he hoped the House would not act under the influence of any idea of what the Senate would do, and he was therefore against the indefinite postponement.

The motion for indefinite postponement was lost, yeas 35.

The question was then taken on the two clauses of Mr. SMILIE's amendment, connectedly, and carried, yeas 49, nays 35, as follows:

YEAS—Ezekiel Bacon, William W. Bibb, Daniel Blaisdell, Robert Brown, William Butler, Epaphroditus Champion, Matthew Clay, Howell Cobb, James Cochran, John Davenport, junior, Joseph Desha, William Ely, James Emott, William Findley, Meshack Franklin, Thomas Gholson, Peterson Goodwyn, Daniel Heister, John G. Jackson, William Kennedy, Philip B. Key, Aaron Lyle, Nathaniel Macon, Robert Mar-

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ion, Vincent Matthews, Archibald McBryde, Samuel McKee, John Montgomery, Thomas Moore, Jeremiah Morrow, Jonathan O. Moseley, Timothy Pitkin, jun., John Randolph, John Rea of Pennsylvania, Ebenezer Seaver, Adam Seybert, Samuel Shaw, Daniel Sheffey, John Smilie, Samuel Smith, Richard Stanford, John Stanley, Samuel Taggart, Benjamin Tallmadge, John Taylor, Jabez Upham, Robert Weakley, Laban Wheaton, and Robert Whitehill.

YAYS—William Anderson, David Bard, Burwell Bassett, Adam Boyd, John Brown, William A. Burwell, Joseph Calhoun, John Campbell, John Clopton, Orchard Cook, James Cox, William Crawford, Richard Cutts, John Dawson, Barzillai Gannett, Gideon Gardner, David S. Garland, Robert Jenkins, Walter Jones, Joseph Lewis, jun., John Love, Matthew Lyon, Alexander McKim, William Milnor, Nicholas R. Moore, Gurdon S. Mumford, Roger Nelson, Thomas Newton, John Nicholson, Benjamin Pickman, junior, John Porter, Josiah Quincy, John Rhea of Tennessee, John Roane, Ebenezer Sage, Thomas Sammons, Dennis Smelt, John Smith, Henry Southard, John Thompson, Charles Turner, junior, Archibald Van Horn, Killian K. Van Rensselaer, James Wilson, and Robert Witherspoon.

Mr. MONTGOMERY moved further to amend the said bill by adding thereto a new section, as follows:

"And be it further enacted, That so much of the first section of an act, entitled 'An act to authorize the employment of an additional naval force,' passed the thirty-first day of January, one thousand eight hundred and nine, as requires the public armed vessels to be stationed at such ports and places on the seacoast, or cruise on the seacoast of the United States and Territories thereof, be, and the same is hereby, revived."

And the question being taken thereon, it was determined in the negative.

Mr. RANDOLPH said, as the House had determined to reduce the most useful part of the Naval Establishment, he was desirous of reducing the most expensive part. He therefore moved the following section as an amendment to the bill:

"And be it further enacted, That from and after the passing of this act, the Marine Corps shall consist of — companies of — men, one captain, and three subalterns each."

Mr. R. said, the number of marines now in service was the same as when the President was authorized to employ five thousand men, and actually had in service two thousand seven hundred and twenty-three, and the same number as was authorized to be employed when, under Mr. Adams's Administration, nearly eight thousand seamen were employed. If this bill was passed in its present form, there would be more than one marine to every two seamen.

Mr. RANDOLPH's amendment was adopted by the House, ayes 40, noes 31.

The blank for the number of companies to complete the corps was now to be filled.

Mr. RANDOLPH moved to insert "three"—motion lost, ayes 40, noes 38.

Mr. BASSETT moved "six," being the present establishment, and including upward of one thousand men—motion lost, ayes 30, noes 41.

It was moved to fill the blank with "five"—motion lost.

Mr. SMILIE moved "four"—agreed to, ayes 48, noes 24.

The blank for the number of men to form each company was next to be filled.

Mr. RANDOLPH moved "sixty-four"—motion lost, ayes 33.

Mr. R. then moved "seventy-two"—agreed to, ayes 40, noes 38.

Mr. BIBB moved to strike out of the section respecting navy yards, all the yards but Washington, Boston, New York, and Norfolk.

The question was then taken separately on striking out each, and lost by large majorities.

Mr. WILSON moved to add Portsmouth to those yards to be retained—lost, ayes 25.

Mr. KEY moved to amend the section respecting marines, by inserting after the words "the Marine Corps shall consist of," the words "one lieutenant colonel commandant."

The yeas and nays having been required on this motion—it was determined in the negative, and the House adjourned.

MONDAY, April 30.

Mr. BROWN presented to the House certain proceedings of the Legislature of the State of Maryland, disapproving of an amendment proposed by the State of Massachusetts to the Constitution of the United States, limiting the duration of any act laying an embargo within the United States.

An engrossed bill further to alter and amend "An act providing for the third census or enumeration of the inhabitants of the United States," was read the third time; when the same was, by unanimous consent, amended at the Clerk's table, and, as amended, ordered to be engrossed, and read the third time to-morrow.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act providing for the final adjustment of claims to lands in the Territories of Orleans and Louisiana;" and a bill entitled "An act appropriating a sum of money for procuring clothing for the Army and the Marine Corps, and for other purposes;" to which they desire the concurrence of this House.

A report was received from the Postmaster General in pursuance of a resolution of the House calling for an account of the progressive increase of the establishment since its commencement.

Mr. DANA expressed his pleasure at the promptitude with which the call of the House had been answered; it was a proof of the Postmaster General's ability to perform the duties of his office, and completely refuted the idea that it would take three months to furnish these statements, as they had been prepared in as many days.

On motion of Mr. LEWIS, the unfinished business (the reduction of the Navy) was ordered to lie on the table—56 to 21.

On motion of Mr. QUINCY, the House resumed the consideration of the bill from the Senate, providing for the erection of certain light-houses,

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buoys, &c., which was ordered to be engrossed for a third reading.

LIBRARY OF CONGRESS.

The bill from the Senate, entitled "An act in addition to an act, entitled 'An act concerning the Library for the use of both Houses of Congress,'" was read the third time: and, on the question that the same do pass, it was resolved in the affirmative—yeas 53, nays 32, as follows:

YEAS—William Anderson, Burwell Bassett, Daniel Blaisdell, John Brown, Wm A. Burwell, J. Campbell, Epaphroditus Champion, Orchard Cook, Wm. Crawford, Samuel W. Dana, John Davenport, junior, William Ely, James Emott, William Findley, Gideon Gardner, David S. Garland, Thomas Gholson, Peterson Goodwyn, Richard Jackson, jun., Robert Jenkins, Walter Jones, Philip B. Key, Joseph Lewis, jun., Vincent Matthews, Archibald McBryde, Samuel McKee, Alexander McKim, Plesant M. Miller, William Milnor, Jeremiah Morrow, Jonathan O. Moseley, Thomas Newton, Timothy Pitkin, junior, John Porter, Elisha R. Potter, John Rea of Pennsylvania, Matthias Richards, Ebenezer Sage, Adam Seybert, Daniel Sheffey, Dennis Smelt, George Smith, John Smith, Richard Stanford, John Stanley, Jacob Swoope, Benjamin Tallmadge, John Taylor, John Thompson, Jabez Upham, Killian K. Van Rensselaer, Laban Wheaton, and Robert Witherspoon.

NAYS Ezekiel Bacon, David Bard, William W. Bibb, Adam Boyd, Robert Brown, Joseph Calhoun, William Chamberlin, Matthew Clay, John Clopton, James Cochran, James Cox, Richard Cutts, Joseph Desha, Meshack Franklin, Daniel Heister, Jacob Hufty, William Kennedy, John Love, Aron Lyle, Nathaniel Macon, John Montgomery, Nicholas R. Moore, Roger Nelson, John Nicholson, John Rhea of Tennessee, John Roane, Samuel Shaw, Samuel Smith, George M. Troup, Charles Turner, junior, Archibald Van Horn, and Richard Winn.

RECEIPTS AND EXPENDITURES.

MR. MONTGOMERY having stated that there were receipts and expenditures during the Administrations preceding that of Mr. Jefferson, which do not appear on the books of the Treasury, being sums obtained on loan in Holland, and applied in Europe, and that in the call of the gentleman from Virginia, (Mr. RANDOLPH,) the Secretary of the Treasury was directed so far as it related to the application of moneys to the public debt, to state the sums applied to the principal, omitting the item of interest, which, during Mr. Jefferson's Administration, amounted to near \$24,000,000, which does not appear on any document heretofore furnished Congress, and that it would be satisfactory to the nation and to Congress to have possession of a document which should exhibit the whole of the receipts and expenditures of the United States since the commencement of the Government to the end of the year 1809, the several sums respectively paid each year on account of the public debt, the interest on the same, and generally every other branch of expenditure; that from the documents laid on our tables during this session, the precise and accurate amount of the receipts and expenditures and the application of the actual payments

annually made towards the principal and interest respectively of the public debt, could not be ascertained, the several resolutions for information on this subject being restricted in their terms, so as not to bring into view the loans from Holland, and the application thereof in Europe, and also the item of some interest on the public debt, paid during the Administrations preceding Mr. Jefferson's, and the very large item of interest on the public debt, nearly equal to \$24,000,000, as before stated, paid during the Administration of Mr. Jefferson; that, in his view, it would be important to have the subject fully reported to the next session of Congress—then moved the following resolution:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to lay before this House, at the next session of Congress, a general statement of the annual receipts and expenditures of the United States, from the commencement of this Government to the end of the year one thousand eight hundred and nine, including the sums obtained on loan in Holland, and which have been applied in Europe, and do not appear among the receipts and expenditures of the Treasury; and showing the several sums respectively paid each year, on account of the principal of the public debt, of the interest on the same, and of each other general branch of expenditure.

The resolution was adopted without opposition.

FOREIGN RELATIONS.

MR. PITKIN offered the following resolution:

Resolved, That the President of the United States be requested to cause to be laid before this House copies of any communications made on the part of the United States, in answer to the official note of the 22d. of August, 1809, from the French Minister to General Armstrong; and of any communications that may have been made to our Minister at London, on the part of the British Government, in answer to any note presented by him, in pursuance of instructions given on the 23d of November, 1809. Also, of the answers which may have been given to any propositions or overtures made on the part of the United States to the Governments of Great Britain and France, respecting any of the orders and decrees, affecting neutral commerce, and which have not heretofore been communicated to Congress, and do not require secrecy."

MR. PITKIN said he would state the object that he had in view. We are to rise, said he, to-morrow night. I wish to have it in my power to inform my constituents respecting the state of our relations with the belligerents so far as it can be done consistently with the good of the nation. Gentlemen will recollect that there was communicated to the House in the early part of the session a letter from General Armstrong to the Secretary of State, dated 16th September, 1809, in which he says he had received a note from M. Champagny, to which he should not reply until he received further instructions. One object of this resolution is to obtain a copy of the letter stating the principles by which France were to be governed, and to learn what answer was made to that note; and, in addition to that, what reply was made by the French Government. In a word, to let the people know whether the letter

we have seen in the papers signed "Duc de Cadore," is a genuine letter or not. We very well know that the letter of the 22d August was published in France about the time, or soon after, it was communicated to General Armstrong, and that it was transferred to the English papers, and perhaps in that shape arrived in this country before the original, though it was an imperfect translation. But it seems the French Government are in the habit of publishing officially copies of communications made to our Government, for there are none but official papers now published in France. That being true, it is probable the letter is a genuine paper. If it is, is there a man in the House who will say the people of the United States ought not to know it? I trust not. I had waited till the last moment in hopes a communication would have been made by the Executive to the House on the subject. It cannot require secrecy, because the French Government themselves have published it. I presume, sir, it would not be irrelevant to call your attention to a part of the letter. It appears to have been given as a written answer to a private conversation had with our Minister at Paris. It contains expressions certainly highly derogatory to the Government. At the close of it, Champagny (Duc de Cadore) says:

"If then the American Minister will enter into an engagement that American vessels shall not submit to the orders of the English Council of November, 1807, nor to any decree of blockade, unless that blockade shall be real, the undersigned is authorized to conclude every species of convention tending to renew the Treaty of Commerce with America, and in which shall be arranged all the measures proper to consolidate the commerce and prosperity of the Americans. The undersigned has thought it his duty to answer the verbal overture of the American Minister by a written note, in order that the President of the United States may better know the amicable intentions of France towards the United States, and her favorable disposition to American commerce."

If this be a real, genuine letter, transmitted by Gen. Armstrong to this Government, I wish that the people also should know the *amicable intentions* of France to this country. It is certainly of the utmost consequence, in the present state of the world, that, as far as practicable, the people should know the intention of both the Governments of Great Britain and France to the United States, and it is my wish to ascertain whether the letter be genuine.

Another object of the resolution I will state. It is well known that on the 23d of November, 1809, (the letter having been communicated to this House,) our Minister at London was directed to signify to the British Government the conduct of Mr. Jackson. Mr. Pinkney must unquestionably in consequence of these instructions have presented a note to the British Government. I wish to know whether Mr. Jackson is to be recalled and whether any other Minister is to be sent, that I may inform my constituents of the state of the relations between Great Britain and the United States, as well as with France. It is not my

intention to ask particulars, but to know whether negotiations are going on. I think it due to our merchants, and to all classes interested in our foreign relations, that they should have some knowledge on the subject, and therefore offer the resolution.

The House agreed now to consider the resolution—41 to 38.

Mr. W. ALSTON said, however the gentlemen might be gratified in their cravings for information, he was convinced they never would be satisfied, but would be asking for more. The Executive had his duties to perform, which the Constitution had assigned to him, and in which the House ought not to interfere. If it should be proper at any time to make communications on the subject of our foreign relations, no doubt the President would perform his duty. The resolution asked for no information on which it was contemplated to legislate before they rose. And an exception being made of such matters as may require secrecy, if the President should decline to communicate information, deeming it improper for publication, what would be the consequence? It would be said that the President had information in his possession, the publication of which would blast the party. This would be the language in gentlemen's mouths immediately. Mr. A. was decidedly against the resolution, introduced under these circumstances, and at a period of the session when no act of the Legislature could be bottomed on it.

Mr. DANA made some observations to prove that the House had a right to call for information at any time. He had no idea that the President of the United States could be induced by such considerations as those mentioned by the gentleman to withhold information.

Mr. MONTGOMERY said he was perfectly satisfied, that had important information respecting the state of our foreign relations been received, it would have been communicated to the House before this time. But with respect to the object of getting the Duc de Cadore's letter, Mr. M. said he was anxious to ascertain the fact whether the copy extracted from the English papers was genuine or otherwise. If it had been transmitted by Mr. Armstrong, its genuineness would certainly be proved. On the contrary, if no such letter had been received, it might be reasonably concluded that this letter, like some paragraphs in a former letter, had gone through the British factory. With this view of the subject, he said he had no objection to the resolution, and should vote for it. If the President should state that no such letter had been received, it would be a fair conclusion that it was a fabrication.

Mr. McKIM said he was opposed to this resolution under the circumstances under which it was brought forward. If any legislative act were to be bottomed on it, no man would vote for it more readily; but to be perpetually calling on the President for information for the purpose of communicating it to our constituents, he conceived improper. He said the President of the United States was as much the man of the people as

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they were; he was chosen by the people, and acted under a high responsibility. It was to be presumed, if information was necessary and could be communicated with propriety, that the President would not withhold it. If he did not discharge his duty, Mr. M. said he was willing that the whole responsibility should lie on him, without burdening the House with any part of it.

The resolution was agreed to—years 52, nays 39, as follows:

YEAS—William W. Bibb, Daniel Blaisdell, James Brockenridge, John Brown, William A. Burwell, Joseph Calhoun, John Campbell, William Chamberlin, Epaphroditus Champion, Matthew Clay, James Cochran, Orchard Cook, Samuel W. Dana, John Davenport, junior, William Ely, James Emott, Meshack Franklin, David S. Garland, Daniel Heister, Jacob Hufty, Richard Jackson, jun., Robert Jenkins, William Kennedy, Joseph Lewis, junior, Nathaniel Macon, Vincent Matthews, Archibald McBryde, Wm. Milnor, Jonathan O. Moseley, Timothy Pitkin, junior, Elisha R. Potter, Josiah Quincy, John Randolph, John Rhea of Tennessee, Matthias Richards, Adam Seybert, Samuel Shaw, Daniel Sheffey, Dennis Smelt, John Smilie, George Smith, John Smith, Samuel Smith, Richard Stanford, John Stanley, Jacob Swoope, Benjamin Tallmadge, Jabez Upham, Archibald Van Horn, Kilian K. Van Rensselaer, Laban Wheaton, and James Wilson.

NAYS—Willis Alston, junior, William Anderson, Ezekiel Bacon, David Bard, Adam Boyd, Robert Brown, William Butler, John Clopton, James Cox, William Crawford, Richard Cutts, John Dawson, Joseph Desha, William Findley, Barzillai Gannett, Gideon Gardner, Thomas Gholson, Peterson Goodwyn, Walter Jones, John Love, Aaron Lyle, Robert Marion, Samuel McKee, Alexander McKim, Nich. R. Moore, Jeremiah Morrow, Roger Nelson, Thomas Newton, John Nicholson, John Porter, John Rea of Pennsylvania, John Roane, Ebenezer Sage, Henry Southard, John Taylor, George M. Troup, Robert Whitehill, Richard Winn, and Robert Witherspoon.

COMMERCIAL INTERCOURSE.

The House took up the amendments of the Senate to the bill concerning commercial intercourse with Great Britain and France, &c.

The first amendment is to substitute in lieu of the section reviving the two first sections of the non-intercourse act, a section prohibiting the entrance of British and French armed vessels into our waters. The amendment is only a change of words, being the same provision fully recited as was by the original bill reinforced.

This amendment was agreed to without a division.

The next amendment is a new section providing details for carrying the section last mentioned into effect. It interdicts all pacific intercourse with such armed vessels entering our waters, &c.

Mr. KEY moved to strike out the word "pacific." The motion was lost—ayes 29.

The section was agreed to without amendment.

The next amendment proposed to strike out the third and fourth sections of the bill, and then to insert the following:

"That the President of the United States be, and hereby is, authorized to employ the public armed vessels in protecting the commerce of the United States, and to issue instructions which shall be conformable to the laws and usages of nations, for the government of the ships which may be employed in that service."

Mr. J. G. JACKSON said it appeared to him that no proposition had ever been submitted by one branch of the Legislature to the other similar to the one now before the House. It contained two propositions, neither of which could be supported.

The first of these, said Mr. J., is that the President shall be authorized, when he may deem it expedient, to employ the armed vessels of the United States in the protection of commerce. If it be expedient to protect commerce, let Congress say so; let them declare it expedient and then devolve on the President power to carry their acts into execution. It seems to me with equal constitutionality we might refer to the President the authority of declaring war, levying taxes, or of doing everything which the Constitution points out as the duty of Congress. All legislative power is by the Constitution vested in Congress. They cannot transfer it. I admit, sir, that the President is a component part of the Legislature; but you can no more transfer to him the power belonging to us, than you can transfer your power to the other branch of the Legislature, and permit them to sit during the recess.

But this power, thus given, is to be exercised according to the law of nations. The Constitution has declared substantially that Congress shall define the law of nations. It is a very important power, in the exercise of which we may and most probably shall come in collision with the definitions of other nations, and thus be brought into war—and I ask, sir, are you willing to confine this definition to any department of the Government? It is a legislative power, which we cannot transfer; and if we could, it would be inexpedient to do so. Why are we assembled here, if, when it becomes our duty to decide on our great relations with foreign nations, we shrink from the task and throw the responsibility of measures on other departments of the Government? It appears to me that it would be extremely difficult for us to agree on any system of convoy if we had the whole session before us, much less when we have only one day and a fraction of another. What trade shall we protect? It may be urged by some that trade directed to places where it may be safely carried on ought to be exclusively protected; by others it might be urged that the value of the trade should first claim protection, and by others again that trade carried on in the products of the country should be entitled to preference. Which of these would we protect, and which of them would the President protect by granting convoy whenever he shall deem it expedient? It is out of the question to protect the whole, and it would be absurd to protect a part. We have something more than 1,500,000 tons of shipping; and we

are asked to protect this trade, destined to a thousand ports, and sailing from more than a hundred, by a few vessels, scarcely sufficient to protect our own coast from pirates—it is using pigmy means for gigantic purposes, and, speaking with deference to the Senate, attempting to check the navy of Great Britain by means somewhat similar to those adopted by Gulliver to destroy that of Lilliput.

But the President is to be authorized to grant convoy according to the laws and usages of nations on the subject. What is the law of nations on this point? I take it that question has never been fully decided. In the case of the Swedish convoy—the convoy claimed immunity from search; Britain claimed the right of search, and captured the convoy for resisting it. Shall we, then, with our scanty means, take the bull by the horns and insist on the definition which we are unable to carry into execution? Shall we employ our few ships, in contesting a question not settled by the law of nations, and on which Great Britain is expressly against us? If we say we will resist search, it will be war—and in such a war the people would not be with us. It is in vain to think of dragging them unwillingly into war. I had rather be hurried on by the people. I would be tardy at my post, rather than ask them to follow, when the public sentiment is unfavorable to war, and the people are expecting a far different state of things. I am very sure, if when insults were received within our waters we could not screw up our courage to the sticking place, the people would not consent to go to war on a question undecided and doubtful.

Well, sir, if vessels convoyed are not exempt from search, of what avail will convoy be? Certainly of none. Your vessel will be present to witness the disgrace of the nation, and the capture of the vessels searched; for if you submit to the right of search, the right of restraining a vessel is implied and uniformly exercised. It cannot be expected that it will now be relinquished; and, if exercised, your vessels sailing under convoy will be liable to be carried into the nearest ports, their convoy to the contrary notwithstanding. As to the right of search, if a nation having territory in our vicinity were attacked by us, and could not hold out against our superior force unless by the intervention and aid of neutral force or supplies, I doubt very much whether our regard for the rights of neutrals would prevent us from searching such vessels to see whether or not they were engaged in unlawful trade. At any rate it is a question undecided, and of such magnitude that it ought not to be placed wholly at the discretion of the Executive.

But, still referring to the President, this section authorizes the President to decide what trade is lawful and what is not. This is a subject on which we have been negotiating for years.

We contend that the trade to the colonies direct is a lawful trade. If we abandon this point by refusing to exercise the right, it will be conceding a principle for which we have strenuously contended. If the instructions of the President

should be that certain articles, which are not contraband in our opinion, should not be carried in the vessels to be convoyed, we cede that they are contraband. If we pursue this course, it will be said that we claim a great deal but take nothing; that we make much show on paper, but dwindle into insignificance when we come into action. I would not concur in a project like this, if I were as fond of war as Don Quixotte.

It appears to me, in whatever point of view we examine the question of convoy, we are met with insuperable objections, almost as great as to the ridiculous project of arming our merchant vessels; I say ridiculous, because if a private vessel carrying arms resists the right of search, a right sanctioned by the European decisions on the law of nations, the vessel will be seized for piracy and the persons on board be hung as pirates. If they submit to the right of search, of what avail will their arms be? After the vessel is in possession of a superior force, which possession was acquired because the merchantman did not dare to resist it, it will be in vain to resist or attempt to beat off an enemy who is in possession. The arming of private vessels can be of no use but for protection against pirates.

I hope, sir, that the amendment from the Senate will be rejected, and the more especially as no one has attempted to defend it.

MESSRS. MACON, BURWELL, BOYD, TAYLOR, SOUTHARD, and GHOLSON, opposed the amendment.

The amendment was opposed, not so much on the principle of convoy as on the vagueness of the terms in which it was couched, and the alleged impracticability of carrying it into effect in any manner advantageously to the interest of the merchants, or of the United States.

MR. GHOLSON moved to strike out the whole of the Senate's amendment, and insert several sections, including a system of convoy, the same as that several weeks ago reported by Mr. EPPES.

The SPEAKER decided, that as a bill, containing precisely the same provisions as the proposed amendment, was committed to a Committee of the Whole, the amendment was not in order according to the practice of the House.

MR. VAN HORN said this subject appeared to be involved in much difficulty, and it was scarcely probable that the two Houses would agree on any bill. He neither liked the original stock nor the amendment which the Senate had ingrafted on it. He, therefore, moved to postpone the further consideration of the bill indefinitely.

MR. DANA opposed the indefinite postponement, on the ground of the possibility of both Houses agreeing on some system for the protection of commerce.

The question was then taken on indefinite postponement, and decided in the negative—yeas 23, nays 64, as follows:

YEAS—Daniel Blaisdell, James Breckenridge, William Chamberlin, William Ely, James Emott, Daniel Heister, Richard Jackson, jun., Robert Jenkins, Philip B. Key, Joseph Lewis, jun., Matthew Lyon, Nathaniel Macoun, Archibald McBryde, William Milnor, Joseph

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Pearson, Timothy Pitkin, jun., Josiah Quincy, John Randolph, Dan'l Sheffey, Samuel Smith, Richard Stanford, John Stanley, Jacob Swoope, Jabez Upham, Archibald Van Horn, Killian K. Van Rensselaer, Laban Wheaton, and James Wilson.

NAYS—Willis Alston, jr., William Anderson, Ezekiel Bacon, David Bard, Burwell Bassett, William W. Bibb, Adam Boyd, John Brown, William A. Burwell, William Butler, Joseph Calhoun, Matthew Clay, John Clopton, Howell Cobb, James Cochran, Orchard Cook, James Cox, William Crawford, Richard Cutts, Samuel W. Dana, John Dawson, Joseph Desha, William Findley, Meshack Franklin, Barzillai Gannett, Gideon Gardner, David S. Garland, Thomas Gholson, Peterson Goodwyn, Jacob Hufty, John G. Jackson, Walter Jones, William Kennedy, Aaron Lyle, Robert Marion, Alexander McKim, Pleasant M. Miller, John Montgomery, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, Gurdon S. Mumford, Roger Nelson, Thomas Newton, John Nicholson, John Porter, John Rea of Pennsylvania, Jno. Rhea of Tennessee, Matthias Richards, John Roane, Ebenezer Sage, Thomas Sammons, Adam Seybert, Samuel Shaw, Dennis Smelt, John Smilie, George Smith, John Smith, Henry Southard, John Taylor, John Thompson, Charles Turner, jun., Robert Weakley, and Robert Whitehill.

A division was called for on the Senate's amendments, so as to take the question separately on striking out and inserting.

And the question on agreeing with the Senate in striking out the fourth section (laying an additional duty on all goods, wares, and merchandise, imported from Great Britain and France,) was decided in the negative—yeas 34, nays 40, as follows:

YEAS—Ezekiel Bacon, William W. Bibb, Daniel Blaisdell, Adam Boyd, James Breckenridge, William Chamberlin, James Cochran, Wm. Ely, James Emmott, David S. Garland, Daniel Heister, Robert Jenkins, Walter Jones, William Kennedy, Philip B. Key, Joseph Lewis, jun., Matthew Lyon, Nathaniel Macon, Robert Marion, Archibald McBryde, William Milnor, Thos. Moore, Gurdon S. Mumford, Timothy Pitkin, junior, John Randolph, Thomas Sammons, Daniel Sheffey, Saml. Smith, Richard Stanford, Jacob Swoope, John Taylor, Archibald Van Horn, Killian K. Van Rensselaer, and James Wilson.

NAYS—Willis Alston, junior, William Anderson, David Bard, Burwell Bassett, William A. Burwell, William Butler, Joseph Calhoun, John Clopton, Howell Cobb, Orchard Cook, James Cox, William Crawford, Richard Cutts, Joseph Desha, William Findley, Meshack Franklin, Barzillai Gannett, Gideon Gardner, Thos. Gholson, Peterson Goodwyn, Jacob Hufty, John G. Jackson, Aaron Lyle, Samuel McKee, Alexander McKim, Pleasant M. Miller, John Montgomery, Nicholas R. Moore, Jeremiah Morrow, Roger Nelson, Thomas Newton, John Nicholson, John Porter, John Rea of Pennsylvania, John Rhea of Tennessee, Matthias Richards, John Roane, Ebenezer Sage, Adam Seybert, Samuel Shaw, Dennis Smelt, John Smilie, George Smith, John Smith, Henry Southard, John Thompson, Charles Turner, jun., Robert Weakley, and Robert Whitehill.

Mr. RANDOLPH then moved that the amendment to the bill now under consideration lie on the table for the purpose of taking up the bill for reducing the Naval Establishment of the United States. The motion was lost—ayes 26.

Mr. GHOLSON moved to amend the section proposed as an amendment, by striking out the words "when he may deem it expedient," and inserting the word "forthwith." Lost, without a division.

The question on agreeing to the section proposed by the Senate respecting protection of commerce, was decided in the negative—yeas 17, nays 70, as follows:

YEAS—William Anderson, James Breckenridge, John Brown, Joseph Calhoun, William Chamberlin, Matthew Clay, David S. Garland, Matthew Lyon, Alexander McKim, John Montgomery, Thomas Moore, Gurdon S. Mumford, John Rhea of Tennessee, Thos. Sammons, Adam Seybert, Killian K. Van Rensselaer, and James Wilson.

NAYS—Willis Alston, junior, Ezekiel Bacon, David Bard, Burwell Bassett, William W. Bibb, Daniel Blaisdell, Adam Boyd, William A. Burwell, William Butler, John Clopton, Howell Cobb, James Cochran, Orchard Cook, James Cox, Richard Cutts, John Davenport, jun., John Dawson, James Emmott, William Findley, Meshack Franklin, Barzillai Gannett, Gideon Gardner, Thomas Gholson, Peterson Goodwyn, Daniel Heister, Jacob Hufty, John G. Jackson, Robert Jenkins, Walter Jones, William Kennedy, Philip B. Key, Joseph Lewis, jun., Aaron Lyle, Nathaniel Macon, Robert Marion, Archibald McBryde, Samuel McKee, Pleasant M. Miller, Wm. Milnor, Nicholas R. Moore, Jeremiah Morrow, Jonathan O. Moseley, Roger Nelson, Thomas Newton, John Nicholson, Timothy Pitkin, jun., John Porter, John Randolph, John Rea of Pennsylvania, Matthias Richards, John Roane, Ebenezer Sage, Samuel Shaw, Daniel Sheffey, Dennis Smelt, John Smilie, George Smith, Samuel Smith, Henry Southard, Richard Stanford, John Stanley, Jacob Swoope, Benjamin Tallmadge, John Taylor, John Thompson, George M. Troup, Charles Turner, jun., Archibald Van Horn, Robert Weakley, and Laban Wheaton.

Mr. GHOLSON then moved to amend the amendments by inserting, in lieu of the said section proposed by the Senate, the following:

"And be it further enacted, That merchant vessels of the United States, owned wholly by a citizen or citizens thereof, laden wholly with articles of the growth, produce, or manufacture of the United States, owned wholly by a citizen or citizens thereof, navigated wholly by citizens of the United States, not having on board implements of war, and bound to any port or place not actually blockaded, with which intercourse shall be prohibited by the decrees or orders of the Governments of Great Britain or France, shall be entitled to protection by convoy."

"And be it further enacted, That the President of the United States shall be and he is hereby authorized, on the application of a citizen or citizens of the United States, to employ the public armed vessels of the United States in conveying and protecting merchant vessels of the United States, owned wholly by a citizen or citizens thereof, laden wholly with articles of the growth, produce, or manufacture of the United States, owned wholly by a citizen or citizens thereof, navigated wholly by citizens of the United States, not having on board implements of war, and bound to any port or place not actually invested, with which intercourse shall be prohibited by the decrees or orders of the Governments of Great Britain or France."

"And the President of the United States is hereby

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authorized to instruct the commanders of the public armed vessels of the United States to oppose and defend against any search, restraint, or seizure, which shall be attempted upon vessels sailing under convoy, by the commander or crew of any armed vessel, and to repel by force any assault or hostility which may be committed by such armed vessel pursuing such attempt, and to subdue and capture the same.

"And be it further enacted, That any armed vessel which shall be captured in consequence of search, restraint, or seizure, which shall be attempted upon vessels under convoy, shall be considered lawful prize, and may be condemned in any court of the United States having competent jurisdiction, and the proceeds arising from the sale of such prize shall be distributed in conformity to the provisions of the act for the better Government of the Navy of the United States.

"And be it further enacted, That, after notice of this act at the several custom houses, it shall be the duty of the collectors, and they are hereby required to refuse a clearance to any merchant vessel bound under convoy to any port or place with which intercourse shall be prohibited by the decrees or orders of the Governments of Great Britain or France, unless satisfactory proof shall be exhibited that the cargo of such vessel consists wholly of articles of the growth, produce, or manufacture, of the United States; that the vessel and cargo are owned wholly by a citizen or citizens thereof; that the vessel is navigated wholly by citizens of the United States; and that no part of the cargo consists of implements of war. And it shall be the duty of the collector to annex to the clearance granted, a certificate stating that the vessel and cargo are owned wholly by a citizen or citizens of the United States; that the vessel is navigated wholly by citizens of the United States; that the cargo consists wholly of articles of the growth, produce, or manufacture, of the United States; and that implements of war constitute no part of the cargo.

"And be it further enacted, For the better regulation of the conduct of the collectors at the several ports, that the terms "implements of war," used in this act, shall be considered as including the following articles, and no other, viz: saltpetre, sulphur, pikes, swords, sword-belts, knapsacks, saddles, and bridles, cannons, mortars, fire-arms, bombs, grenades, bullets, fire-locks, flints, matches, and gunpowder.

"And be it further enacted, That the President of the United States shall be and he is hereby authorized to establish suitable instructions in conformity with the provisions of this act, for the regulation of the conduct of the collectors and naval officers at the several ports, and of the officers of the navy employed in conveying merchant vessels bound to ports or places with which intercourse shall be prohibited by the decrees or orders of the Governments of Great Britain or France.

"And be it further enacted, That, whenever the decrees and orders of the Governments of Great Britain and France, violating the lawful commerce and neutral rights of the United States, shall be withdrawn, or so modified as that they shall cease to violate the neutral commerce of the United States, the powers vested in the President of the United States by this act shall cease and determine. And, in the event of a withdrawal of the decrees and orders of only one of the belligerents, the President of the United States shall continue to employ the public armed vessels in protecting by convoy (in conformity to the provisions

of this act) the lawful commerce of the United States against the Power continuing in force its decrees or orders."

Doubts arising whether it was possible to amend an amendment already decided on by the House, and debate ensuing—a motion was made to adjourn and carried, at a little before 6 o'clock.

TUESDAY, May 1.

The bill sent from the Senate, entitled "An act to erect a lighthouse at the entrance of Scituate harbor, a stone column on a spit of land at the entrance into Boston harbor, and a beacon on Beach Point, near Plymouth harbor, in the State of Massachusetts; a light at the entrance of Bayou St. John into Lake Pontchartrain; and two lights on Lake Eric," was read the third time, and passed.

The title of the bill was then amended by adding to the end, "and for beacons and buoys near the entrance of Beverly harbor."

The bill further to amend the census act was read the third time, and passed.

AMENDMENT TO THE CONSTITUTION.

Mr. MACON said he rose to call the attention of this House to no less a subject than the Constitution of the United States. The wise framers of the Constitution had made it as perfect as they could, and yet they had been conscious that experience would discover defects in it, and therefore prescribed a mode for amending it. The Constitution, said Mr. M., forbids to members of Congress the acceptance of any appointment to any office which shall be created, or the emoluments of which shall have been increased during the time for which they were elected. My object is, that no person, during the Presidential term in which he has been a member, shall accept an appointment from the Executive. Mr. M. laid the following resolution on the table, not meaning to call it up at the present session:

"Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, two-thirds of both Houses concurring, That the following section be submitted to the Legislatures of the several States, which, when ratified by the Legislatures of three-fourths of the States, shall be valid and binding as a part of the Constitution of the United States:

"No Senator or Representative after having taken his seat, shall, during the time for which he was elected, be eligible to any civil appointment under the authority of the United States, nor shall any person be eligible to any such appointment until the expiration of the Presidential term during which such person shall have been a Senator or Representative."

The resolution was read, and ordered to lie on the table.

FOREIGN RELATIONS.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

I transmit to the House a report of the Secretary of State complying with their resolution of the 30th of April.

JAMES MADISON.

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DEPARTMENT OF STATE, May 1, 1810.

In pursuance of the resolution of the House of Representatives of yesterday, the Secretary of State has the honor of transmitting to the President of the United States the accompanying papers, marked A, B, C, D, E, F.

No information has been received, that any communication has been made to our Minister at London on the part of the British Government "in answer to any note presented by him in pursuance of instructions on the 23d November, 1809."

No answers have been given to the "propositions or overtures, made on the part of the United States to the Governments of Great Britain and France, respecting any of the orders and decrees affecting neutral commerce," which have not been heretofore, or which are not herewith communicated. All which is respectfully submitted.

R. SMITH.

A.

Extract of a letter from General Armstrong, to Mr. Champagny.

PARIS, September 8, 1809.

"I had the honor of receiving your Excellency's letter of the 22d of August last, in exposition of the principles adopted by His Majesty with regard to neutral commerce. I shall hasten to transmit a copy of this note to my Government."

B.

The Secretary of State to General Armstrong.

DEPARTMENT OF STATE, Dec. 1, 1809.

SIR: Enclosed you have five copies of the President's Message and of its accompanying documents. They will afford you a view of the existing state of things here, and particularly of the ground taken in the correspondence with the British Minister. You will perceive that the deliberations of Congress at the present session cannot but be embarrassed by the painful consideration that the two principal belligerents have been for some time alike regardless of our neutral rights, and that they manifest no disposition to relinquish, in any degree, their unreasonable pretensions.

You will also, herewith, receive a copy of a letter to Mr. Pinkney, which will show the light in which Mr. Champagny's letter is viewed by the President, and at the same time the course of proceeding prescribed to our Minister in London. You will of course understand it to be wished that you should ascertain the meaning of the French Government as to the condition on which it has been proposed to revoke the Berlin decree. On the principle which seems to be assumed by M. Champagny, nothing more ought to be required than a recall from Great Britain of her proclamation or illegal blockades which are of a date prior to that of the Berlin decree, or a formal declaration that they are not now in force. Should this be done, and be followed by an annulment of all the decrees and orders in chronological order, and Great Britain should afterwards put in force old or proclaim new blockades, contrary to the law of nations, it would produce questions between her and the United States, which the French Government is bound to leave to the United States, at least until it shall find it necessary to bring forward complaints of an acquiescence on our part not consistent with the neutrality professed by us.

You will yourself, and if necessary, you will let the French Government understand that we do not consider ourselves bound to contest the legality of a blockade which may be conformable to the definition here-

tofore maintained by the United States, and particularly to the definition contained in the Treaty of June and October, 1801, between Great Britain and Russia. However founded the definition of M. Champagny may be in reason and general utility, and consequently, however desirable to be made the established law on the subject of blockades, a different practice has too long prevailed among all nations, France as well as others, and is too strongly authenticated by the writers of admitted authority to be combatted by the United States.

If you should receive from the French Government explanations proper to be communicated to Mr. Pinkney, you will not fail to transmit the same to him without delay. But should they be such as to make it important that Mr. Pinkney should immediately found thereon an application to the British Government to prepare the way for a repeal of the Berlin decree, you will be pleased to hasten the communication to him by a special messenger. Whatever the explanations may be, you will of course transmit them to this department, with such other information as may be interesting. With great respect, &c.

R. SMITH.

Gen. JOHN ARMSTRONG, &c.

C.

Mr. Smith to Mr. Pinkney.

DEPARTMENT OF STATE, Nov. 11, 1809.

SIR: From the enclosed copy of a letter from Mr. Champagny to General Armstrong, it appears that the French Government has taken a ground in relation to the British violation of our neutral rights, not the same with that heretofore taken, and which it is proper you should be acquainted with. You will observe that the terms stating the condition on which the Berlin decree will be revoked are not free from obscurity. They admit the construction, however, that if Great Britain will annul her illegal blockades, as distinct from her Orders in Council, such as the blockade from the Elbe to Brest, &c., prior to the Berlin decree, and perhaps of subsequent date, but still distinct from her Orders in Council, that France will put an end to her Berlin decree, or at least the illegal part of it. Whilst, therefore, it becomes important to take proper steps, as will be done, through General Armstrong, to ascertain the real and precise meaning of Mr. Champagny's letter, it is important also that your interposition should be used to ascertain the actual state of the British blockades, distinct from the Orders in Council, whether merely on paper or otherwise illegal, and whether prior or subsequent to the Berlin decree, and to feel the pulse of the British Government on the propriety of putting them out of the way in order to give force to our call on France to prepare the way for a repeal of the Orders in Council, by her repeal of that decree.

In execution of this task, I rely on the judgment and delicacy by which I am persuaded you will be guided, and on your keeping in mind the desire of this Government to entangle itself as little as possible in the question of priority in the violation of our neutral rights, and to commit itself as little possible to either belligerent as to the course to be taken with the other.

If it should be found that no illegal blockades are now in force, and declared by Great Britain, or that the British Government is ready to revoke and withdraw all such as may not be consistent with the definition of blockade in the Russian Treaty of June, 1801, it will be desirable that you lose no time in giving the information to General Armstrong, and whatever may

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be the result of your inquiries, that you hasten a communication of it to me.

Writing on short notice of the present conveyance, I have only to add the assurance of my esteem and great consideration, &c.

R. SMITH.

D.

Extract of a letter from General Armstrong to the Secretary of State.

PARIS, Jan. 28, 1810.

"In conformity to the suggestions contained in your letter of the 1st December, 1809, I inquired whether, if Great Britain revoked her blockades of a date anterior to the decree commonly called the Berlin decree, His Majesty, the Emperor would consent to revoke the said decree. To which the Minister answered that 'the only condition required for the revocation by His Majesty, of the decree of Berlin, will be a previous revocation by the British Government of her blockades of France, or part of France, (such as that from the Elbe to Brest, &c.) of a date anterior to that of the aforesaid decree; and that if the British Government would then recall the Orders in Council, which had occasioned the decree of Milan, that decree should also be annulled.'"

E.

Extract of a letter from Mr. Pinkney to the Secretary of State.

LONDON, Feb 28, 1810.

"I have received from General Armstrong a letter of which a copy is enclosed; and have, in consequence, made written inquiry of Lord Wellesley, with whom I had before communicated personally on the subject, as to the existence of the blockade to which it alludes. I am not without hopes that the reply to my inquiry will amount to a declaration (satisfying in substance the condition mentioned in General Armstrong's letter) that these blockades are not in force; and if it should, I will send immediate notice to General Armstrong. I have prepared an official letter to you on this head, which, with such additions as circumstances may enable me to make to it, will be sent by the *corvette*" John Adams.

F.

Copy of a letter from Gen. Armstrong to Mr Pinkney.

PARIS, Jan. 25, 1810.

SIR: A letter from Mr. Secretary Smith of the 1st of December last, made it my duty to inquire of His Excellency, the Duke of Cadore what were the conditions on which His Majesty the Emperor would annul his decree, commonly called the Berlin decree, and whether, if Great Britain revoked her blockades of a date anterior to that decree, His Majesty would consent to revoke the said decree? To these questions I have this day received the following answer, which I hasten to convey to you by a special messenger.

ANSWER.

"The only condition required for the revocation by His Majesty the Emperor, of the decree of Berlin, will be the previous revocation by the British Government of her blockades of France, or part of France, (such as that from the Elbe to Brest, &c.,) of a date anterior to that of the aforesaid decree." I have the honor to be, &c.

JOHN ARMSTRONG.

GENERAL WILKINSON.

MR. BUTLER, from the committee appointed to inquire into the conduct of Brigadier General James Wilkinson, rose to make a report.

THE SPEAKER observed that the report might be laid on the table, but could not now be read, because the unfinished business had preference in the orders of the day.

Several gentlemen rose at once to speak. Some confusion prevailed.

MR. RANDOLPH obtained the floor. He moved that the unfinished business (the bill concerning commercial intercourse) should lie on the table. He asked if the House was reduced to such a state of imbecility that they were afraid even to face a Brigadier General? The people of the United States, he said, among whom the passions and prejudices found in this House did not prevail, would know how to estimate this attempt to stifle a report on so interesting a subject. No wonder that those who opposed the inquiry, and the friends and partisans of General Wilkinson in this House, should attempt to prevent the report from being received. The committee was not one appointed by ballot, against which any charge of prejudice or party feelings against this officer could be made, their report was entitled to attention and ought to be received.

MR. SMILE said he felt nothing of passion nor party feelings on this occasion, nor any feeling but a desire to prevent the violation of the Constitution. If, said Mr. S., there be passion anywhere in the House, it is in the gentleman's own breast. I never had either quarrel or friendship with General Wilkinson; I never had contest or dispute with him. I believe, sir, there is neither passion or prejudice in the House, but in the gentleman himself.

MR. MACON said the Army was the nation's, and the House had a right to inquire into it. If there were any sin in so doing, he was willing to take it all on his own head. He could not see what was the object of gentlemen in refusing to take up the business.

MR. TAYLOR said he had been against the inquiry; but since the House had agreed, however improperly, to make the inquiry, he was willing to hear the report read.

MR. BUTLER (chairman of the committee) said that, as members of a committee, the persons composing the committee were above being guilty of the act of suffering party feelings to have any weight on their mind. He regretted extremely that an attempt should be made to smother the inquiry, as he now saw it. The committee had a right to demand it, and as chairman he now demanded the reading of the report.

MR. MCKIM could not see why the ordinary course of proceeding should be dispensed with in favor of this report. If taken up now, and the whole of it read, it would probably take till midnight, and the House would be precluded from doing any further business during the session.

MR. NELSON said he had a few observations to make, and he trusted he should show that he was

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a partisan of no party. When he among others had objected to the reading of the report, he said he had done it on two grounds. 1. That it was entirely out of order, because the hour for receiving reports had passed away, and the time had arrived when the order of the day ought to be taken up. The reading of the report would consume the greater part, if not the whole of the day. He judged so not only from the warmth displayed on the occasion, but from the size of the bundles upon the table, (of papers reported by the committee,) which he supposed were to be read. But, as he always acted on fair grounds, Mr. N. said he would state that the prominent reason which actuated his mind was, that he did not think justice would be done to the man. In saying this, he did not mean that any gentleman of the House would be disposed to do him injustice, but that from the nature of the case injustice must be done to General Wilkinson, if the report was read at this session. There were, said he, two subjects of inquiry referred to the committee, both important; and from the distance of the scene where the events supposed did take place, if they took place at all, it must appear that the time has been so short that evidence could not be taken. No one could be examined by the committee but those who were in the city or were stationed in the neighborhood, nor any documents procured but those picked up out of this or that book store. Is it possible, that a mass of evidence, sufficient to bring the House to a clear result, could have been collected since the committee was appointed? It appears to me that it could not. If the documents or testimony thus hastily collated were to be printed, they would make an improper impression on the public mind, unless the whole subject could be before them.

In conformity with what I deem my duty as a legislator and a man; what I deem my duty as a man who wishes to see substantial justice done to every part of the community, I will make a few more observations and have done.

When this committee was raised, it is very true, I was opposed to it; not, if I may be believed, because I was unwilling that General Wilkinson's conduct should be inquired into, but because I objected to the mode of inquiry. I did not think the Constitution of the United States sanctioned an inquiry in this form; I am still of that opinion—but, the House having decided to the contrary I must acquiesce; for although I cannot change my opinion, I should think it indecorous again to argue a question already decided by the House. The evidence taken in this case, if I am rightly informed, is altogether *ex parte*. I understand that General Wilkinson was never summoned; that he never appeared before the committee; that he was not permitted to examine a single witness, either to exculpate himself or to show the falsity of the evidence. Sir, is a man to be tried before an anomalous tribunal, without himself being present, and without having an opportunity to confront his accuser? Is this the way in which any citizen of the United States is to be tried? If it be, I venture to pronounce that any man in

the United States, if brought before this tribunal, however immaculate he may be, will be condemned if evidence against him alone is to be heard. There is no man in this House who, by taking an active part, may have created himself enemies, but may be called upon to answer charges in the newspapers, and, though not present, may be condemned on any of them. Sir, I am opposed, on principles of common justice and of the Constitution, to having the papers read or printed, because the evidence was taken *ex parte*, the man accused being absent, although he might have been present had the committee chosen it. When this House undertakes to assume a judicial power, as they have done, to try a case, it was to be expected that they would have given the accused the same chance as any other citizen—and was it ever heard of before that a man was condemned unheard? A man is accused; a tribunal is appointed to try him while hundreds of miles off; no notice is given to him; evidence is summoned against him; he is tried and condemned—and this under the free Constitution of the United States! I am told, sir, that he asked leave to attend the committee and was refused. [A member near Mr. N. observed that this was a mistake.] When a man is tried, sir, said Mr. N., it is not a privilege for him to ask to appear before his accuser; but he has a right to be summoned. Was the greatest criminal ever executed at Tyburn condemned on *ex parte* testimony, without being heard in his defence? Was General Wilkinson, before or after his arrival, summoned before the committee? I wait for a reply.

[Mr. DESHA (a member of the committee) said that the committee did not receive notice that General Wilkinson wished to appear before them. The committee had occasion for papers in General Wilkinson's possession. A *subpœna duces tecum* had been issued to General Wilkinson, either to bring the papers or send them. The papers had been sent.]

Not only then, said Mr. N., was this officer not notified to appear in his own defence, but he was actually applied to by the committee for evidence designed by them to implicate himself; and he did what I think no other man would have done, and sent these papers. This is the first time, sir, that I ever heard of a man being summoned to produce evidence to convict himself. When the man has an opportunity to justify himself, then and then only can the nation come to a correct judgment on his merits or demerits. I am authorized by General Wilkinson to state that if he had an opportunity given him, he has papers to confute every charge made against him. Whether he has or has not, God only knows. He has stated it to me; for, sir, I have known him well from his youth; I am his personal friend till I find him to be that which he is said to be. When that shall appear, my friendship is at an end. I have been and am his friend, because I believe him to be a good officer, a man of worth, and a patriot. He has expressed to me his regret that he could not have an opportunity of coming into court and vindicating his character. It is of con-

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sequence to him that he should have justice; but it is of more consequence to us that no man should come before the nation and complain that justice is not done to him. A man indicted for treason, witnesses being heard against him, and he condemned to death without an opportunity of being heard, would have great right to complain—and would not every man in the nation be satisfied that injustice had been done? What is the difference between such a case and the present? In one case an execution of the body takes place; in this case a complete execution of the character. Will not, I ask you, sir, this *ex parte* testimony raise a great prejudice against this officer in those who are not possessed of discriminating minds? So help me God, sir, if this man had had an opportunity of going before this honorable committee, of subpoenaing his witnesses and opening his budget, and the question had been considered on both sides, I should have no objection to receiving the committee's report; for although the tribunal is unconstitutional, every one will agree that it is a strictly honorable one; and, though unconstitutional, it will fix a stain on a man's character as indelibly as a decision of the Supreme Court. I think this evidence should either remain till next session, and then be referred to a committee to take further testimony, or that this committee should have leave to sit during the recess. This inquiry produces no result so far; those who have prosecuted or persecuted General Wilkinson will go on. Others will remain as they were before. The great mass of the people, who are partisans on no side, ought not to be influenced by the *ex parte* statements, called testimony, which will be laid before them.

Mr. PEARSON said that the gentleman had made so many different statements, that he had risen in order to state facts to the Committee. It was all important, he said, that the thing should be set right, and that the report itself should test the correctness of the opinions expressed by the gentleman from Maryland. A great part of what the gentleman had said seems to be in defence of this person, and he had given such a coloring to this affair as to cast reflections on the House and on the committee. Mr. P. had heard with regret, as a Representative of the people, the insinuations which had been thrown out. The gentleman had at all events (and he gave him credit for that) done justice to private friendship; and that was some evidence at least of goodness of heart. The gentleman had stated what had been the conduct of the committee. Mr. P. said he did not stand here (because it was unnecessary) as the defender of the committee—[Mr. NELSON said he had not the least intention to cast any reflection on the committee.] Their acts would speak for them, Mr. P. said. If saving the time of the House was the object in opposing the report, that had been badly effected; and the very gentlemen who were so solicitous to save time were those who consumed it. He would also observe, he said, that the facts which were stated in that report were extremely material. The gentleman seems to have anticipated the result of the inquiry, and

had declared it to be *ex parte*; that no opportunity was given to hear testimony in exculpation. By what power of divination the gentleman had gotten into the secret of the committee's report, Mr. P. said he could not undertake to say; but he could state to the gentleman and the House that the committee had done everything in their power to elucidate the transactions referred to their consideration. If the inquiry had been *ex parte*, the examination of the witnesses had not; for they had been sworn to tell the truth and the whole truth. Mr. P. said he would also state that the committee had not been able to complete the investigation of the whole subject. They had not been able to obtain conclusive evidence, and had not stated any opinion in the report; and if the report is to make any impression, it will not be the fault of the committee, but of the witnesses and of the accused himself, for much of the evidence was under his own hand. Now he appealed to gentlemen who professed to be friends to General Wilkinson whether any object would be gained by stifling the report. It depended upon the friends of General Wilkinson, together with other members, to say whether the inquiry should be pursued; and he (Mr. P.) as a member of the committee would never give an opinion until General Wilkinson could have an opportunity of being heard. Perhaps, when the whole circumstances were disclosed, even the gentleman from Maryland might change his opinion and think better of the committee who had made this report. He thought, as there were many facts which were already known to the people of this country, and in consequence of those facts considerable prejudices had been excited against General Wilkinson, this was not the manner in which those suspicions were to be entirely destroyed.

Mr. P. said he did believe, from the number of papers laid on the table, that it would be impossible to read the whole of them during this day; but he should wish the report of the committee to be read, which consisted principally of references to papers which the committee conceived sufficiently proved to authorize them to submit them to the House, and, after hearing the statement which the committee had made as to particular points, the House could determine whether it was proper to pursue the investigation or not; and this determination ought to be made at this session; because some process perhaps ought to issue under the authority of the present Congress to compel witnesses to attend at the next meeting of Congress, if the committee were not to sit during the recess. Mr. P. therefore conceived that if the gentleman wished to do justice to his friend and to the country, he would not for a moment oppose the reception of those papers. And here he might observe that he had never known an instance in the annals of legislation, where a committee had been appointed to perform a particular act, and that committee had devoted days and nights to the duty assigned them, and after the committee had completed the work as far as they could go, the report should be rejected, or not received by the House. If not, he trusted that at this time

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and on this subject, so interesting, a dangerous precedent would not be established.

Mr. KEY contended that the conduct of General Wilkinson had been rather insulting towards the committee. To another committee (on the state of the Army) he had addressed a petition to be heard before them. Before a committee in the course of whose inquiry his conduct might be incidentally involved, he had asked to be heard. To a committee however, appointed especially to inquire into his conduct he had addressed no such application. His not having done it, so far from being made a plea that he was about to be condemned without having been heard, was, in Mr. K.'s mind, a slight on that committee, and his letter to the House did imply as much. Mr. K. said he had no idea that a committee raised under the authority of the House should be subjected to such insult. He did not know what the committee had done, for he had not exchanged five minutes conversation with any of them on the subject of their inquiry. All proceeding in such an investigation, as before a grand jury, must be *ex parte* of course. When a man was kept in office contrary to the sense of the nation, he thanked God that there was a Constitutional remedy in this House, who held the national purse-strings. The reason of this report's not coming in earlier, he had understood, was that it was not till this morning ready.

Mr. RANDOLPH said if he could, like the gentleman from Maryland (Mr. NELSON) have made an able speech on the merits of the report before he had heard it read, perhaps like him he should have been willing to dispense with the reading of the report; but in that respect, said Mr. R., the gentleman has the advantage of me, and I will leave it to the House to determine whether the insinuation which the gentleman was pleased to say I have thrown out respecting his motives, be or be not supported by the tenor of the observations which he has made to the House. The gentleman indeed set out with motives of great public concernment, but he got but a very little way in his argument before he lost sight of those in considerations of what he has been pleased to tell us were of a personal nature. The gentleman from Maryland has stated that the evidence which the committee have presented to the House is of an *ex parte* nature. Sir, in what capacity does this House act in any inquiry into the conduct of a public officer? It acts, if I understand its functions, in the capacity of a grand jury, of a grand inquest, as it is often called. Can either the gentleman from Maryland or the gentleman from Pennsylvania, (Mr. SMILIE,) who were both members of this House when the inquiry was instituted into the official conduct of Samuel Chase and Richard Peters, say that he objected to the presenting of the report of the committee appointed to inquire into their conduct upon the ground that the evidence before the committee was *ex parte*? On the ground that Samuel Chase and Richard Peters had not been invited to appear before the committee? On the ground that they had in private and friendly communications assured them upon their honor that they had evidence to

disprove all that the committee had adduced against them? No Constitutional scruples then entered into the mind of either of these gentlemen; they were contented to proceed, as all grand inquests must proceed, on *ex parte* evidence. Did not Colonel Burr, that other "*honorable* man who has been so greatly persecuted," complain that the grand jury at Richmond proceeded on *ex parte* and perjured evidence? And was it not *ex parte*? Was he called before the grand jury? No, sir; although, if I am not much misinformed, he very modestly wished to be called before it, and to have them instructed by the court in relation to the course which they should pursue.

But, if I understood the gentleman from Maryland correctly, he states that this committee, as far as they have proceeded to take any evidence or document from General Wilkinson, have done him a very sensible injury, inasmuch as they have called upon a man to produce, through a subpoena, evidence against himself. If I understood rightly, the papers which the committee called upon General Wilkinson (through a *subpœna duces tecum*) to produce, were papers which he had gotten into his possession out of the War Office; which, I undertake to say, were feloniously purloined out of that office—and if time was not so short, I should unquestionably have moved an inquiry into the matter—for, unless this view be correct, then has the Secretary of War been guilty of a flagrant dereliction of duty. Now, sir, I will suppose a case, though I have never had any practice as a prosecutor or defender of felons. A thief is taken with stolen goods upon him. Long before you have ascertained whether he is guilty or not, long before a grand jury has pronounced on the case, what do you do? You rummage his pockets—for what? To force the unfortunate man to produce evidence for his own conviction; but in common phraseology to force him to produce the stolen goods.

It has been stated by the gentleman from Maryland, and, among others, by my worthy colleague (Mr. GHOLSON) that this subject should be permitted to sleep for the purpose of taking up matters of great national importance. To a *virtuoso*, to a butterfly hunter, a particular species of this insect, the Emperor of Morocco, appeared, I dare say of more importance than matters of the highest interest to the country; and it is not at all surprising to me that gentlemen who have been pursuing the *ignis fatuus* of convoy and all the measures adopted and abandoned or laid asleep during the present session, should bring themselves to believe that the miserable bill before us yesterday (the commercial intercourse bill) is a matter of more national importance than asserting the rights of this nation in relation to no less a personage than he who commands the military force of the country. In my mind, sir, there is no more comparison between asserting, and exercising the rights of the House in relation to a subject such as that committed to the committee which has just reported, and these bills before us, particularly this celebrated No. 2, than there is between Ossa and a wart.

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But I believe, sir, (said he) I should not have risen on this subject, were it not to reply to an insinuation, which deserves notice from me only in respect to the age of the party (Mr. SMILIE) by whom it was thrown out. There is no other consideration which should have induced me so far to depart from my own self-respect as to notice it. That gentleman stated, with an emphasis unusual to him, and with a manner which left the application of the remark, I believe, undoubted, that he had no quarrel with General Wilkinson; that he had no personal feeling to gratify. Why, sir, neither have I any quarrel with General Wilkinson—I never had. I have scarcely an acquaintance with General Wilkinson. I was longer in his company during his attendance in the grand jury room at Richmond than at every other time, putting them all together, in my life. I would ask the member from Pennsylvania, and other members of this House, whether it is befitting, when any citizen of the United States is called upon to discharge a Constitutional duty in relation to an individual, to liken that discharge of duty to a personal quarrel. I had the same sort of quarrel in relation to this unfortunate man—for so he is in every sense of the word—no man can look upon him without being sensible of that fact—I had the same sort of quarrel in relation to this man that the judge has with the felon on whom it becomes his duty to pronounce sentence. I was called upon to decide, in my capacity and on my oath as a juror, on the evidence before me; and I did decide. I should despise myself as cordially as the gentleman from Pennsylvania can possibly indulge another and a different sentiment towards me—for it is not in his power to feel towards me the first emotion—if I could be actuated in this or any other similar case by such a sentiment as personal hostility. Does the gentleman from Pennsylvania believe that when he himself made his complaint before the House of the tyrannical and arbitrary conduct of Mr. Chase in the exercise of his judicial conduct, that in the course of my conduct on that occasion I was governed by personal resentment? At that time I had never seen Mr. Chase. There is indeed a description of men who cannot pursue any object without exhibiting something like warmth. It is constitutional. There are others, perhaps, who under a more frigid exterior conceal malignity of a far bitterer nature. If I know myself, I cannot, after what I have heard and seen—and it is impossible to shut my eyes in relation to that unfortunate man—feel any other sentiment than pity or compassion; and whatever warmth I may feel or display when I see what I conceive to be an attempt to stifle inquiry, it is a warmth not extending to him, but to those by whom this, which I conceive to be an unfair practice is attempted to be carried into execution.

But the gentleman from Maryland tells us that if we adopt this course, if we accept this report of the committee, there is no man, however fair his character, however innocent, who may not be prejudged and ruined in the public estimation, even upon so trivial a ground as newspaper re-

port. Was not the gentleman one of the members of this House who contended that common fame was a good ground of inquiry into the conduct of public officers? Unquestionably he was. But, sir, does any gentleman believe it possible for a newspaper charge to affect the reputation of any man in society? No, sir, as far as a charge is made in a newspaper, his reputation is not affected thereby. The newspaper is merely the vehicle of a charge, and rather throws a doubt on it than otherwise. But understanding and reflecting people will discriminate between charges having truth for their foundation and those which are mere malignant calumniations.

I will conclude with observing that, although I am no lawyer, my knowledge of parliamentary decisions is sufficient to bear me out in this fact: that almost every inquiry made by the House of Commons in England—and I particularly allude to the inquiry in the case of no less a man than the great Lord Chancellor Macclesfield—has in the first instance been *ex parte*. But was it ever deemed a good ground for throwing discredit on the proceedings of a court of justice, because the witnesses of the party accused were not summoned before the grand jury; because the grand jury had not heard the party accused in his exculpation? Unquestionably not. I have no doubt that Burr—for it is impossible—the association of ideas is so linked together that I can never separate them—it is impossible for me to think of Wilkinson without thinking of Burr also, or to think of Burr without having Wilkinson before my eyes.—It is possible that he may and does justify his forfeiture of his recognisance on the very ground stated by the gentleman from Maryland viz: that all proceedings against him had been *ex parte*, that he had never been heard in his defence; and yet I believe, if we compare the proceedings in the two cases together, it will be readily allowed that of the two men Colonel Burr was most hardly dealt by, because he was put into close confinement without being heard in his defence, as soon as the bill was found against him, and very properly too. He was arrested in Mississippi Territory, and brought all the way to Richmond without being heard in his defence, and had a right to take every exception to the proceedings of the court, and no doubt has done it, on the ground of their proceedings on *ex parte* testimony and not permitting the grand jury to hear witnesses or counsel, that the gentleman from Maryland has taken to the report of the select committee in this case.

I believe, sir, that if the gentleman from South Carolina (Mr. BUTLER) had been treated with the deference due to him, not merely on his own personal account, but on account of the character with which he is clothed by the House, we should long before this time have gone through reading the most material parts of the evidence and ordered it to be printed. But that is not the object. The gentleman from Maryland told us, with a candor characteristic of him, that his object was to prevent their being read and printed at all.

Mr. R. concluded by expressing a hope that

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the report would be read and ordered to be printed.

Mr. GHOLSON said that in point of real importance there was as much difference between an inquiry respecting General Wilkinson and the commercial intercourse bill, as there was between the witticisms in which his colleague (Mr. RANDOLPH) had indulged in relation to him and a solemn argument.

Mr. SMILIE said that the gentleman from Virginia had been pleased to take particular notice of an observation of his. I, said Mr. S., am never the first to make an attack, but I will never suffer an attack to be made on the rectitude of my conduct which I will not repel. I need not repeat the expressions of the gentleman—the House heard them and will recollect the reproach he threw upon gentlemen voting differently from him on this question—a question of that nature in which certainly honest men may differ. The question with us was not whether or not General Wilkinson is guilty, but whether or not the House had the power to make the inquiry. Our opinion was that the Constitution did not authorize it. That being the point in dispute, there was no ground for his aspersion. The gentleman has remarked that on account of my age, and for no other reason, it is necessary to take notice of what I observed. Sir, I claim no immunity on account of my age. If I act wrongly, I am equally subject to censure with the youngest member of the House. I know well (for I have witnessed it so often) that the gentleman can raise a man to the skies one day and depress him to the bottom of the ocean in another. I have heard him on one day eulogize a character and the next day depreciate it in a manner not decent in this House. I make no distinctions among men but by their honesty or dishonesty. I claim the character of an honest man, a character as respectable as can be claimed by the gentleman from Virginia. That character I have endeavored to maintain and hope I always shall.

What are we to understand by what has been said of the case of Mr. Chase on this occasion? True, I acted the part the gentleman has stated; I was acting in conformity to the Constitution. Chase was a civil officer, and as such liable to impeachment. Why does the gentleman lug in the House of Commons? Has he not reflected on the different principles on which that body and this are framed. I believe the right of the House of Commons to inquire, even where impeachment does not follow, is necessary to their form of Government. Why is it necessary that the House of Commons should possess this power? To preserve the balance in the Constitution. The same power in this House would upset that balance. When I see in Great Britain an hereditary Executive; when I see the Sovereign wielding an immense civil list; and having himself the power of peace and war; when I see him supported by a great army and navy, and, what is more influential than all, by an established church, I see the necessity for the

extraordinary powers vested in the House of Commons to preserve a balance against that power. But is that the case here? No, sir; the powers possessed by our Executive are comparatively very limited. He is an elective officer, responsible to his constituents at the end of four years; he cannot appoint officers, civil or military, without the consent of one branch of the Legislature, nor has he any civil list. The same powers in other branches, therefore, are not necessary to preserve the balance. Then why compare our powers to those of the House of Commons? No man who will attend to the subject but must see the danger of exercising the powers claimed by this House. We ask for General Wilkinson no more than what every man in the United States has a right to, a trial by a tribunal established by the laws of his country. Some of the crimes laid to his charge may amount to treason, or to crimes of a lower grade. If so, he is subject to trial in a court of justice for those crimes, as all citizens of the United States, good or bad, are entitled to a fair and impartial trial. Here a committee has been appointed to take *ex parte* testimony and bring it before the House. If it goes to blast the character of that man, what is his situation? You deliver him over to a court of justice with a vote of this House on his back. In common cases publications respecting an impending trial are deemed criminal—but are such publications anything in comparison with this proceeding—this attempt to blast the character of the man throughout the Union? This is the case of every man in the United States; and unfortunately now, as on all such occasions, when a man is extremely unpopular, then is the time to establish those precedents which subvert the Constitution itself. What, in the name of God! is to become of a military officer, if a popular leader in this House takes a prejudice against him, and proceeds as we have done in this case? I wish to Heaven that gentlemen would consider how far this precedent will go. General Wilkinson is nothing; a thousand men are comparatively nothing; but, establish this precedent, and every man is placed in the same situation. It is for my country, and not for General Wilkinson, that I have resisted this thing, and that I shall continue to do, so long as I am able.

Mr. STANFORD said he felt himself implicated in the observations of the gentleman, and begged leave in a few words to give his reasons for the vote which he should give. The gentleman from Pennsylvania himself, though he had voted against the inquiry, gave willingly into the inquiry as to the mortality in the Army. In that case there was reason to suppose that some unhappy mismanagement of the Army had taken place. What the causes of the mismanagement were was not inquired, nor was there the least question as to the constitutionality of the measure; and yet the report of that very committee had gone upon the ground that the mismanagement which brought about the mortality of the Army was owing to an apparent disobedience of orders. In

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the present case it is not as a military man merely that his conduct is proposed to be inquired into. He has been an Indian agent, a Commissioner under the United States, and a Governor of one of the Territories. Is this House prepared to say that they possess no power over persons out of office? That point is not yet settled; but, if so, the impeaching power is nothing, because a person will have only to resign to avoid exclusion from all civil and military office. It does not necessarily follow that we act upon General Wilkinson as a military officer. It is strange, however, that the doctrine should be held that we do not possess power to inquire into his conduct in that respect, when the evil may be traced to a source where we have the power to correct it. I looked beyond the military office; and, having in view both his civil and military employments, I felt no difficulty in deciding. If, after the inquiry, we proceed to declare him guilty, we shall really outstrip the Constitution, but surely not by inquiry, especially when it was considered that corruption in a military man might grow out of affairs not military, into which the House had an unquestioned right to inquire. Mr. S. hoped and trusted that this would not be placed merely on the ground of a military inquiry.

Mr. SHEPPEY said that the opposition to the reading of this report was certainly of a very novel character, and it was a thing that had never been known from the commencement of the Government, that, after appointing a committee, its report on a subject should not be read. Not to read it would be trifling with the character of the House. It would amount to this: that they had authorized an inquiry on the result of which they set no kind of value. Gentlemen have said over and over again, observed Mr. S., that we have no power; that this inquiry must necessarily eventuate in nothing. Sir, we have as much right to inquire as the President of the United States has. We have not a right to destroy the officer; but we have a right to destroy the office, by withholding the money necessary to keep it in existence. It is something extraordinary if we have not a right to inquire, when the President has a right to make the inquiry. There is a bill on our table for abolishing the office of Brigadier General—and yet gentlemen say we have no right to procure information in relation to it! You have a right to abolish the office, and yet the means to lead you to a correct conclusion are withheld. Considerations have been brought into debate which ought to have no concern in this question; for passion and friendship have nothing to do with it. Can a man who views a question through the medium of passion, or whose eyes are dimmed by friendship, do justice to it? I say he cannot. Is it anything novel or uncommon to view the faults of our friends as nothing, and the little faults of our enemies as great crimes? The man who acts as a friend cannot act as a correct judge. The character of General Wilkinson has been prostrated, we are told, and that is assigned as a reason why we ought not to do our duty. If the

interest of the nation is arrayed against the character of General Wilkinson, I have no difficulty in deciding what course I am to pursue. The rights of the country ought to predominate over those of a particular individual. Why is so much said of the case of General Wilkinson? Why is so much said of character in this case? What did you do in the case of Chase and Peters? Was it not proper in that case as in the present that public passion should not be stimulated? The cases are in that respect analogous. We have a right to make inquiry into the expenditure of public money, and into the conduct of all officers. We cannot impeach a man out of office, and yet we have a right to inquire into the conduct of the Secretary of the Treasury when he is out of office. You have assigned to a committee an important duty; they have performed that duty, and are ready to produce the fruit of the inquiry, the result of their labor, and you cannot refuse to receive it.

Mr. RANDOLPH merely rose now to state one or two opinions as to the Constitutional power of the House. The House of Representatives possess a Constitutional right to inquire into the conduct of any officer of the United States, civil or military, with a view to impeachment, not of the military officer, but of the Secretary at War or of the President who might have authorized or connived at his misconduct, and who might be too powerful or influential to be proceeded against in the first instance. But it is now discovered that there was danger in this House inquiring. This is the old Federal doctrine, that the Executive power is too weak, and the power of this House too strong. That is the amount of the doctrine of the gentleman from Pennsylvania. Because our President is not hereditary and we have no hereditary nobility and great hierarchy; because he has not the splendor of the King of England, is not environed with a great army, and has not the patronage of a great navy, we must fritter down the powers of this House in order to make our power no more in relation to his power than that of the House of Commons is in relation to that of the King of England.

The House may examine into the conduct of a military officer with respect to impeachment. Suppose the power of the Executive was so great that a majority of this House could not be brought to move an inquiry directly into the conduct of the President; no exception could be taken on the face of it to moving an inquiry into the conduct of a military officer under the President. The conduct of that officer might be investigated not only for the purpose stated by my colleague, but it might be investigated to see whether any connivance at his improper conduct had taken place. And I have no doubt that this House has a right to inquire into the conduct of every officer, civil and military, under the Government of the United States, with a view to impeachment as well as with a view to the new-modelling of the office. Do gentlemen deny that the President could be impeached for malfeasance in his capacity of Commander-in-chief—

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or the Secretary at War for his military orders or neglect of duty? There is no question on this point in my mind; and I did not expect to hear a voluntary surrender of the best privileges of this House on the altar of the theory of the British constitution, or Mr. Adams's old theory of checks and balances. I did not expect to hear that, in order to check the great power of the Executive, the power of this House ought to be diminished. It is a matter of very little importance whether we increase the power of the Executive directly, or by cutting off the power of the House; we shall incline the balance as successfully in the one way as in the other.

The question on reading the report was taken and carried, 58 to 32.

The report is as follows:

The committee to whom was referred the resolution of the 4th instant, directing an inquiry into the conduct of Brigadier General James Wilkinson, in relation to his having at any time, while in the service of the United States, corruptly received money from the Government of Spain, or its agents, or in relation to his having, during the time aforesaid, been an accomplice, or in any way concerned with the agents of any foreign Power, or with Aaron Burr, in a project against the dominions of the King of Spain, or to dismember these United States, and to inquire generally into the conduct of the said James Wilkinson, as Brigadier General of the Army of the United States, report, that they have had under consideration the several subjects of inquiry, and have investigated them to the utmost of their power since the time of their appointment, but from the limited period in which they have acted, and from the extensive and complicated nature of the subjects, they are under the necessity of stating that they have not been able to make any thorough and conclusive investigation of the objects of their inquiry.

Such testimony, however, as they have been able to procure, they beg leave to submit as part of this report, and which may be referred to under the following heads and order:

In relation to the first objects of inquiry, to wit: the receipt of money by General Wilkinson from the Spanish Government or its agents, refer to the

Deposition of John Ballenger, No. 5.

Letter from Evan Jones, No. 6.

Depositions of F. Janglois, dated the 29th of December, 1808, containing two original letters to himself from the Baron de Carondelet, dated the 28th of January and 28th of June, No. 7.

General Wilkinson's letter to John Adair, dated August 7, 1795, No. 7.

Deposition of Dominique Bouligny, No. 8.

Deposition of Thomas Power, No. 9.

Deposition of William Miller, No. 11.

Letter from Joseph Collins, marked A.

Thomas Portell's copy, in his own handwriting, of the Baron de Carondelet's instructions to him, dated January 20, 1796, with a translation thereof from the Spanish, No. 14.

Correspondence between Thomas Power and Don Thomas Portell, Nos. 15 and 16.

Deposition of Thomas Power, No. 17.

Deposition of Andrew Ellicott, No. 19.

Thomas Power's letter to the Baron de Carondelet, No. 20.

Thomas Power's letter to Governor Gayoso, No. 21.

Thomas Power's letter to the Baron Carondelet, No. 22.

Thomas Power's letter to Governor Gayoso, No. 23.

Elisha Winter's deposition, marked W.

Deposition of James M. Bradford, No. 25.

Deposition of Isaac Briggs, marked I. B.

In relation to the second object of inquiry, to wit: the connexion of General Wilkinson with the agents of Spain in a project to dismember the United States, refer to the

Deposition of Thomas Power, No. 34.

A certified copy of a letter from General James Wilkinson to Governor Gayoso, in the handwriting of Governor Gayoso, dated September 22, 1796, marked G. Y.

General Wilkinson's secret instructions to Thomas Power, in the handwriting of Philip Noland, No. 35.

Thomas Power's letter to the Baron de Carondelet, No. 36.

Baron de Carondelet's letter to Thomas Power, No. 38.

Thomas Power's letter to the Baron de Carondelet, No. 40.

General James Wilkinson's letter to Thomas Power, No. 42.

Thomas Power's letter to Governor Gayoso, No. 43.

General James Wilkinson's letter to Thomas Power, No. 70.

Baron de Carondelet's letter to Thomas Power, No. 44.

Daniel Clarke's deposition, No. 49.

In relation to the third object of inquiry, to wit: General Wilkinson's connexion with Aaron Burr, refer to

The deposition of Daniel Clarke, before referred to, No. 45.

General Wilkinson's letter to John Adair, No. 48.

Evidence of General Wilkinson, as communicated to Congress, of November 23, 1807, with the President's Message.

Ditto, ditto.

Letter from General Wilkinson, to Daniel Clarke, June 9, 1805, marked X.

President's Message to Congress, 23d Nov., 1807.

Wilkinson's letter to Colonel McKee, President's Message to Congress, ditto.

Mr. Tazewell's evidence, President's Message to Congress, ditto.

Letter in cipher from Burr to Wilkinson, dated 22d July, as deciphered by a member of the grand jury at Richmond.

General Jonathan Dayton's letters to Wilkinson in cipher, President's Message.

Wilkinson's deposition, No. 8, of the report of Burr's trial, as communicated to Congress.

Extract of Wilkinson's letter to the President, sent by Smith, dated 21st October, 1806, President's Message.

In relation to the fourth point of inquiry, to wit: the conduct of General Wilkinson, as Brigadier General of the Army of the United States, refer to the

Deposition of William Simmons, Esq., letter S.

Deposition of Captain George Peter, letter P.

Deposition of Captain Wm. E. Williams, letter W.

Deposition of John Smith, letter H.

Letter from William Simmons, Esq., enclosing extracts A, B, C. D.

Letter from General Wilkinson to Daniel Clarke, No. 71.

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Commercial Intercourse.

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The committee think proper, also, to submit the following papers relating to tobacco and other commercial transactions in which General Wilkinson was concerned, from the month of — in the year 1788, to the month of — in the year 1790, to wit:

General Wilkinson's account current with Clark & Rees, in the handwriting of Philip Noland, dated the 8th of August, 1787, No. 27.

Philip Noland's account of sales of tobacco, dated September 21, 1790, No. 29.

Wilkinson's account current with Clark & Rees, dated May 1, 1789, contained in the account book, page 30.

Wilkinson's letter to Clark & Rees, dated June the 2d, 1790, No. 31.

Wilkinson's letter to Clark and Rees, dated May the 20th, 1790, No. 30.

Wilkinson's and Dunn's account current with Clark and Rees, dated August 29, 1789, and 5th September, 1789, with Wilkinson's order and Noland's receipt for balance, No. 32.

Philip Noland's declaration, dated September 10, 1790.

Wilkinson's accountable receipt, No. 4.

Articles of agreement between Wilkinson and Dunn, and Clark, senior.

Letter from General Wilkinson to Daniel Clarke, relative to the Plain Tale, No. 2.

In making the last preceding statement the committee beg leave to remark, that, from an examination of the sentence of the military court of inquiry, ordered at the request of General Wilkinson, and of which Colonel Burbeck was President, it appears that the tobacco transactions of General Wilkinson at New Orleans in 1789 and 1790 constituted a material part of that inquiry, and that a copy of an account current was laid before the said court by General Wilkinson and designated by No. —, and several letters accompanying said account, supposed by the court to be in the handwriting of Philip Noland, the agent of General Wilkinson.

The committee, conceiving that the papers collected by said court would aid them in their investigation, made application for those papers to the Secretary of War, but were unable to obtain them, they having been taken from the office by General Wilkinson, as appears from the deposition of John Smith, chief clerk in the War Office. The committee then directed a subpoena to General Wilkinson, requiring him to send or produce all the papers which had been used or collected by the said court, in obedience to which General Wilkinson sent to the committee a packet of papers which did not contain either the account and letters referred to in the sentence of the court, or the defence of General Wilkinson, nor have the committee been able to procure them, and, consequently have not had it in their power to compare the accounts herewith exhibited with those which were laid before the military court of inquiry. For the further elucidation, refer to Walter Jones's deposition, marked W. J.

The committee also submit the deposition of Daniel W. Cox, authenticating the papers, to which he specially refers, marked D. W. C.

Mr GHOLSON observed that the reading of the documents accompanying the report would take until midnight, at least, and he hoped there would be no objection to dispense with the reading of them.

No one objecting, the reading of the documents

was dispensed with, and the whole was ordered to be printed.

[For the whole Report, see Appendix.]

COMMERCIAL INTERCOURSE.

The House resumed the consideration of the bill concerning commercial intercourse between the United States and Great Britain and France.

Mr. GHOLSON's amendment offered before the House adjourned yesterday, was decided to be out of order.

Mr. RANDOLPH moved to postpone the further consideration of the bill indefinitely, with a view to take up the bill to reduce the Naval Establishment.

Mr. DANA said he should vote for this motion now, though he had voted against it yesterday, because he now saw it was impossible to agree on any provision for the protection of our commerce.

The question was decided by yeas and nays—yeas 30, nays 56, as follows:

YEAS—William W. Bibb, James Breckenridge, John Campbell, William Chamberlin, Epaphroditus Champion, Matthew Clay, Samuel W. Dana, James Emott, David S. Garland, Daniel Heister, Richard Jackson, jr., Robert Jenkins, Philip B. Key, Joseph Lewis, junior, Matthew Lyon, Nathaniel Macon, Archibald McBryde, William Milnor, Jonathan O. Moseley, Joseph Pearson, Timothy Pitkin, jun., Elisha R. Potter, Josiah Quincy, John Randolph, Daniel Shoffey, Richard Stanford, John Stanley, Jacob Swoope, Archibald Van Horn, and Laban Wheaton.

NAYS—Willis Alston, jr., William Anderson, Ezekiel Bacon, Burwell Bassett, John Brown, William A. Burwell, Joseph Calhoun, John Clopton, Howell Cobb, James Cochran, Orchard Cook, James Cox, William Crawford, Richard Cutts, John Dawson, Joseph Desha, William Findley, Meshack Franklin, Barzillai Gannett, Gideon Gardner, Thomas Gholson, Peterson Goodwyn, Jacob Hufty, John G. Jackson, Walter Jones, William Kennedy, John Love, Aaron Lyle, Robert Marion, Samuel McKee, Alexander McKim, John Montgomery, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, Gurdon S. Mumford, Roger Nelson, Thomas Newton, John Nicholson, John Porter, John Rea of Pennsylvania, John Rhea of Tennessee, Matthias Richards, John Roane, Ebenezer Sage, Thomas Sammons, Adam Seybert, Samuel Shaw, Dennis Smelt, John Smilie, George Smith, John Smith, Samuel Smith, John Taylor, John Thompson, and Charles Turner, jun.

A verbal amendment to the bill being under consideration—

Mr. QUINCY spoke against it, and dilated at large on the evils which would result from such heavy duties as were proposed by this bill, which would become a law, as far as in the power of this House to make it so, whenever this amendment was agreed to.

Mr. RANDOLPH moved that the bill lie on the table, with a view of adjourning to five or six o'clock in the evening, as many members had gone to dinner, and there was scarcely a quorum.

Messrs. J. G. JACKSON and GHOLSON opposed the motion. It was important, they said, to decide on this bill now, and send it to the Senate,

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Titles of Nobility.

H. OF R.

after which they were willing to adjourn for an hour.

The motion to lie on the table was lost—37 for it, and 40 against it.

Mr. RANDOLPH renewed the motion for indefinite postponement of the bill, which was negatived—52 to 22.

The House now (about four o'clock) found itself without a quorum, in consequence of several members going out at once.

The only question on the Senate's amendments remaining to be taken was merely a verbal one, involving no principle, except that the bill could not be returned to the Senate until it was decided in one way or other.

At length a quorum appeared.

A motion was made to lay the bill on the table, in order to adjourn. Lost—ayes 17, noes 54.

A question was taken on the amendment now remaining, when the SPEAKER counted thirteen in the affirmative, and sixty-two in the negative, four more than sufficient to form a quorum.

A second count was called for by Mr. RANDOLPH, which produced the same result.

Mr. RANDOLPH called for a third count, alleging that one member had been counted twice, having risen on both sides of the question.

The member alluded to (Mr. WHITEHILL) said, he rose inadvertently, and immediately resumed his seat, and was not counted.

Mr. RANDOLPH said, he had no idea that the gentleman intended to be counted twice, but he believed he had been.

The SPEAKER said he had not counted the gentleman.

The House again divided, when there were twelve affirmatives and sixty-three negatives.

The amendments having thus been all decided on—on motion of Mr. GHOLSON, it was resolved to appoint conferees to meet such as should be appointed by the Senate to confer on the disagreeing votes of the two Houses on the bill.

Messrs. BASSETT, SMILIE, and BACON, were accordingly appointed.

The House adjourned for one hour, a call of the House having been ordered at six o'clock.

Evening Sitting.

The call having been made, a quorum appeared—

The bill fixing the compensation of Ministers and Consuls on the coast of Barbary, &c., was read the third time, and passed.

A message from the Senate informed the House that the Senate agree to the conference asked by this House on the disagreeing votes of the two Houses to the bill, entitled "An act concerning the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes."

Mr. ALSTON, from the Committee of Ways and Means, to whom was referred the report of the Secretary of the Treasury, relative to advances of public moneys to William Short, made a report thereon; which was read, and ordered to lie on the table.

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A message from the Senate informed the House that the Senate recede from that part of their fourth amendment to the bill, entitled "An act concerning the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes," which proposes to insert a new section as the fourth section of the bill; and they adhere to all their other amendments to the said bill. The Senate have passed the bill, entitled "An act for the relief of Margaret Lapsley, Grove Pomeroy, Arthur St. Clair, David Blackwell, Lucy Dixon, and John Murray," with amendments.

TITLES OF NOBILITY.

Mr. MACON called for the order of the day on the joint resolution from the Senate respecting titles of nobility, &c. He said he considered the vote on this question as deciding whether or not we were to have members of the Legion of Honor in this country.

The House resolved itself into a Committee of the Whole on the resolution. It was agreed to, and reported to the House.

No amendment was offered in the House, and the resolution was ordered to be read a third time.

The resolution was then read a third time, as follows:

"Resolved, by the Senate and House of Representatives of the United States of America, in Congress assembled, two-thirds of both Houses concurring, That the following section be submitted to the Legislatures of the several States, which, when ratified by the Legislatures of three-fourths of the States, shall be valid and binding as a part of the Constitution of the United States:

"If any citizen of the United States shall accept, claim, receive, or retain, any title of nobility or honor, or shall, without the consent of Congress, accept or retain any present, pension, office, or emolument, of any kind whatever, from any person, King, Prince, or foreign Power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them, or either of them."

And on the question that the same do pass, it was resolved in the affirmative—yeas 87, nays 3, as follows:

YEAS—Willis Alston, jun., William Anderson, Ezekiel Bacon, David Bard, Burwell Bassett, William W. Bibb, Daniel Blaisdell, Adam Boyd, James Breckenridge, John Brown, Robert Brown, William A. Burwell, William Butler, Joseph Calhoun, William Chamberlin, Matthew Clay, John Clopton, Howell Cobb, James Cochran, James Cox, William Crawford, Richard Cutts, John Dawson, Joseph Desha, William Ely, James Emott, William Findley, Meshack Franklin, Barzillai Gannett, Gideon Gardner, David S. Garland, Thomas Gholson, Peterson Goodwyn, Daniel Heister, Jacob Hufty, John G. Jackson, Robert Jenkins, Walter Jones, William Kennedy, Joseph Lewis, jun., John Love, Matthew Lyon, Aaron Lyle, Nathaniel Macon, Robert Marion, Archibald McBryde, Samuel McKee, Alexander McKim, William Milnor, John Montgomery, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, Jonathan O. Moseley, Gurdon S. Mumford, Roger

Nelson, Thomas Newton, John Nicholson, Joseph Pearson, Timothy Pitkin, jun., John Porter, Elisha R. Potter, John Randolph, John Rea of Pennsylvania, Matthias Richards, John Roane, Ebenezer Sage, Thomas Sammons, Adam Seybert, Samuel Shaw, Daniel Sheffey, Dennis Smelt, John Smilie, George Smith, John Smith, Samuel Smith, Henry Southard, Richard Stanford, John Stanley, Jacob Swoope, John Taylor, John Thompson, Charles Turner, jun., Archibald Van Horn, Robert Weakley, Robert Whitehill, and James Wilson.

YAYS—Pleasant M. Miller, John Rhea of Tennessee, and Killian K. Van Rensselaer.

PUBLIC BUILDINGS.

The House resolved itself into a Committee of the Whole, on the bill making further appropriations for completing the Capitol, &c.

Considerable debate took place on the proposed appropriations: Messrs. RANDOLPH and W. ALSTON opposing them; and Messrs. LEWIS, MACON, LYON, KEY, and LOVE, supporting them.

The House refused the appropriation for completing the wall around the President's square, appropriating, however, five thousand dollars for the repair of the President's house.

Mr. W. ALSTON offered the following section as an amendment to the bill, which was agreed to:

"And be it further enacted, That it shall be the duty of the Superintendent of the City, prior to any further advances of money being made, to call for all claims due on account of materials furnished, or work done, on the public buildings, in order that the same may be liquidated and paid."

The Committee rose, and reported the bill as amended.

The report of the Committee of the Whole was ordered to lie on the table.

Mr. BASSETT, from the committee of conference appointed on the disagreeing vote of the two Houses on the bill concerning commercial intercourse, reported that, after a full and free conference, they recommend that the House of Representatives recede from their disagreement to all the Senate's amendments but one, viz: the convoy section, and that the Senate recede from that one.

The House resumed the consideration of the bill making appropriations for the Capitol, &c., which, however, was again laid on the table, on motion of Mr. RANDOLPH—40 to 38, to make way for the reading of a message received some hours before from the President.

COMMERCIAL INTERCOURSE BILL.

The House then took up, 60 to 17, the bill concerning commercial intercourse, &c., which had been received from the Senate, and amended as proposed by the committee of conference.

Mr. BASSETT explained the operation of the report of the committee of conference to be, that the Senate yield the convoy system, and the House yield the additional duty.

Mr. QUINCY said the result was, in other words, a sort of bargain that, if the Senate would agree not to protect commerce, the House would agree

not to burden the people with an additional tax of three millions of dollars.

Mr. QUINCY and others complained that they could not understand the precise bearing of the amendments.

Mr. LYON said he could not understand anything about it; and, as others appeared in the same predicament, he moved to postpone the further consideration of the bill indefinitely.

Mr. FINDLEY said, that the only reason given for postponement, by the gentleman from Kentucky, was, that he could not understand the bill. As, he presumed, every one else did understand it, and the House were not obliged to furnish the gentleman with understanding, he hoped his want of comprehension would be no argument against the bill.

Messrs. QUINCY and DANA spoke in favor of indefinite postponement, because they were against the remaining features of the bill, particularly the authority to renew the non-intercourse against either belligerent on a certain event, which event, they said, depended on the will or caprice of a Sovereign of a foreign Power.

The question on indefinite postponement was decided in the negative—yeas 27, nays 64, as follows:

YEAS—Daniel Blaisdell, James Breckenridge, John Campbell, William Chamberlin, Epaphroditus Champion Samuel W. Dana, William Ely, James Emott, Richard Jackson, jun., Robert Jenkins, Joseph Lewis, jun., Matthew Lyon, Nathaniel Macon, Archibald McBryde, William Milnor, Joseph Pearson, Timothy Pitkin, jun., Elisha R. Potter, Josiah Quincy, John Randolph, Daniel Sheffey, John Stanley, Jacob Swoope, Archibald Van Horn, Killian K. Van Rensselaer, Laban Wheaton, and James Wilson.

NAYS—Willis Alston, jun., William Anderson, Ezekiel Bacon, Burwell Bassett, William W. Bibb, Adam Boyd, John Brown, Robert Brown, William Butler, Joseph Calhoun, Matthew Clay, John Clopton, James Cochran, Orchard Cook, James Cox, William Crawford, Richard Cutts, John Dawson, Joseph Desha, William Findley, Meshack Franklin, Barzillai Gan-net, Gideon Gardner, David S. Garland, Thos. Gholson, Peterson Goodwyn, Jacob Hufty, John G. Jackson, Walter Jones, William Kennedy, John Love, Aaron Lyle, Robert Marion, Samuel McKee, Alexander McKim, Pleasant M. Miller, John Montgomery, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, Gurdon S. Mumford, Roger Nelson, Thomas Newton, John Nicholson, John Porter, John Rea of Pennsylvania, John Rhea of Tennessee, Matthias Richards, John Roane, Ebenezer Sage, Thomas Sammons, Adam Seybert, Samuel Shaw, Dennis Smelt, John Smilie, George Smith, John Smith, Henry Southard, Richard Stanford, John Taylor, John Thompson, Charles Turner, jun., Robert Weakley, and Robert Whitehill.

The House then concurred in the report of the committee of conference without a division, after hearing a speech of half an hour from Mr. WHEATON, against the bill.

The House resolved itself into a Committee of the Whole on the bill from the Senate, entitled "An act allowing compensation to Robert Robinson." The bill was reported without amendment, read the third time, and passed.

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Adjournment.

H. OF R.

A message from the Senate informed the House that the Senate have appointed a committee on their part, jointly, with such committee as may be appointed on the part of this House, to wait on the President of the United States, and inform him of the proposed recess of Congress.

The House proceeded to consider the amendments of the Senate to the bill, entitled "An act for the relief of Margaret Lapsley, Grove Pomerooy, Arthur St. Clair, David Blackwell, Lucy Dixon, and John Murray;" and the same being read, were concurred in by the House.

The amendment to the title being to strike out "Margaret Lapsley, Grove Pomerooy, David Blackwell, Lucy Dixon, and John Murray," was also concurred in by the House.

An engrossed bill making appropriations for completing the Capitol, and for other purposes, was read the third time, and passed.

The House resolved itself into a Committee of the whole House on the amendments of the Senate to the bill, entitled "An act making appropriations for carrying into effect certain Indian treaties." The Committee reported their agreement to the amendments, which were concurred in by the House.

On motion of Mr. NELSON, the Clerk of the House was authorized to pay, out of the contingent fund of the House, to Thomas Claxton, jr., and James Claxton, the sum of one hundred dollars each, for their services during the present session.

The House proceeded to consider the resolution from the Senate to appoint a joint committee to wait on the President, and acquaint him of the proposed recess of Congress; and the same was concurred in by the House; and Messrs. CRAWFORD and ROANE were appointed the committee on the part of the House.

On motion of Mr. FINDLEY, the Clerk of the House was directed to pay out of the contingent fund of the House, to John Philips, Elextius Spalding, John B. Boarman, Richard Stewart, Thomas White, and George Cooper, the sum of fifty dollars each, in addition to their usual compensation.

A message from the Senate informed the House that the Senate, having completed the legislative business before them, are ready to adjourn.

Mr. CRAWFORD, from the joint committee to wait on the President of the United States, and inform him of the proposed recess of Congress, reported that the committee had performed that service, and that the President informed them that he had no further communication to make to Congress during the present session.

Ordered, That a message be sent to the Senate to inform them that this House are now ready to adjourn; and that the Clerk do go with the said message.

The Clerk accordingly went with the said message; and, being returned, the SPEAKER adjourned the House until the first Monday in December next.

APPENDIX

TO THE HISTORY OF THE ELEVENTH CONGRESS.

[FIRST AND SECOND SESSIONS.]

COMPRISING THE MOST IMPORTANT DOCUMENTS ORIGINATING DURING THAT CONGRESS, AND THE PUBLIC ACTS PASSED BY IT

GREAT BRITAIN.

[Communicated May 23, and June 16, 1809.]

Mr. Erskine to Mr. Smith.

WASHINGTON, *April 17, 1809.*

SIR: I have the honor to inform you, that I have received His Majesty's command to represent to the Government of the United States, that His Majesty is animated by the most sincere desire for an adjustment of the differences which have unhappily so long prevailed between the two countries, the recapitulation of which might have a tendency to impede, if not prevent an amicable understanding.

It having been represented to His Majesty's Government, that the Congress of the United States, in their proceedings at the opening of the last session, had evinced an intention of passing certain laws which would place the relations of Great Britain with the United States upon an equal footing, in all respects, with the other belligerent Powers, I have accordingly received His Majesty's commands, in the event of such laws taking place, to offer, on the part of His Majesty, an honorable reparation for the aggression, committed by a British naval officer, in the attack on the United States' frigate Chesapeake.

Considering the act passed by the Congress of the United States, on the 1st of March, (usually termed the non-intercourse act,) as having produced a state of equality in the relations of the two belligerent Powers, with respect to the United States, I have to submit, conformably to instructions, for the consideration of the American Government, such terms of satisfaction and reparation, as His Majesty is induced to believe will be accepted in the same spirit of conciliation with which they are proposed.

In addition to the prompt disavowal made by His Majesty, on being apprized of the unauthorized act, committed by his naval officer, whose recall, as a mark of the King's displeasure, from a highly important and honorable command, immediately ensued, His Majesty is willing to restore the men forcibly taken out of the Chesapeake, and, if acceptable to the American Government, to make a suitable provision for the unfortunate sufferers on that occasion. I have the honor to be, &c.

D. M. ERSKINE.

HON. ROBERT SMITH, &c.

Mr. Smith to Mr. Erskine.

DEPARTMENT OF STATE,
April 17, 1809.

SIR: I have laid before the President your note, in which you have, in the name and by the order of His Britannic Majesty, declared that His Britannic Majesty is desirous of making an honorable reparation for the aggression committed by a British naval officer in the attack on the United States' frigate the Chesapeake; that, in addition to his prompt disavowal of the act, His Majesty, as a mark of his displeasure, did immediately recall the offending officer from a highly important and honorable command; and that he is willing to restore the men forcibly taken out of the Chesapeake, and, if acceptable to the American Government, to make a suitable provision for the unfortunate sufferers on that occasion.

The Government of the United States having, at all times, entertained a sincere desire for an adjustment of the differences which have so long and so unhappily subsisted between the two countries, the President cannot but receive with pleasure assurances that His Britannic Majesty is animated by the same disposition, and that he is ready, in conformity to this disposition, to make atonement for the insult and aggression committed by one of his naval officers in the attack on the United States' frigate the Chesapeake.

As it appears, at the same time, that, in making this offer, His Britannic Majesty derives a motive from the equality, now existing, in the relations of the United States with the two belligerent Powers, the President owes it to the occasion, and to himself, to let it be understood that this equality is a result incident to a state of things, growing out of distinct considerations.

With this explanation, as requisite as it is frank, I am authorized to inform you that the President accepts the note delivered by you, in the name and by the order of His Britannic Majesty, and will consider the same, with the engagement contained therein, when fulfilled, as a satisfaction for the insult and injury of which he has complained. But I have it in express charge from the President to state, that, while he forbears to insist on a further punishment of the offending officer, he is not the less sensible of the justice and utility of such an example, nor the less persuaded that it would best comport with what is due from His

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Britannic Majesty to his own honor. I have the honor to be, &c.

R. SMITH.

Hon. D. M. ERSKINE, &c.

Mr. Erskine to Mr. Smith.

WASHINGTON, April 18, 1809.

SIR: I have the honor of informing you that His Majesty, having been persuaded that the honorable reparation which he had caused to be tendered for the unauthorized attack upon the American frigate Chesapeake, would be accepted by the Government of the United States in the same spirit of conciliation with which it was proposed, has instructed me to express his satisfaction, should such a happy termination of that affair take place, not only as having removed a painful cause of difference, but as affording a fair prospect of a complete and cordial understanding being re-established between the two countries.

The favorable change in the relations of His Majesty with the United States, which has been produced by the act (usually termed the non-intercourse act) passed in the last session of Congress, was also anticipated by His Majesty, and has encouraged a further hope that a reconsideration of the existing differences might lead to their satisfactory adjustment.

On these grounds and expectations, I am instructed to communicate to the American Government His Majesty's determination of sending to the United States an Envoy Extraordinary, invested with full powers to conclude a treaty on all the points of the relations between the two countries.

In the mean time, with a view to contribute to the attainment of so desirable an object, His Majesty would be willing to withdraw his Orders in Council of January and November, 1807, so far as respects the United States, in the persuasion that the President would issue a proclamation for the renewal of the intercourse with Great Britain, and that whatever difference of opinion should arise in the interpretation of the terms of such an agreement, will be removed in the proposed negotiation.

I have the honor to be, &c.

D. M. ERSKINE.

Hon. ROBERT SMITH, &c.

Mr. Smith to Mr. Erskine.

DEPARTMENT OF STATE.

April 18, 1809.

SIR: The note, which I had the honor of receiving from you this day, I lost no time in laying before the President, who, being sincerely desirous of a satisfactory adjustment of the differences unhappily existing between Great Britain and the United States, has authorized me to assure you that he will meet, with a disposition correspondent with that of His Britannic Majesty, the determination of His Majesty to send to the United States a special envoy, invested with full powers to conclude a treaty on all points of the relations between the two countries.

I am further authorized to assure you, that in case His Britannic Majesty should, in the mean time, withdraw his Orders in Council of January and November, 1807, so far as respects the United States, the President will not fail to issue a proclamation, by virtue of the authority, and for the purposes specified in the eleventh section of the statute commonly called the non-intercourse act.

I have the honor to be, &c.

R. SMITH.

Hon. D. ERSKINE, &c.

Mr. Erskine to Mr. Smith.

WASHINGTON, April 19, 1809.

SIR: In consequence of the acceptance by the President, as stated in your letter dated the 18th instant, of the proposals made by me on the part of his Majesty, in my letter of the same day, for the renewal of the intercourse between the respective countries, I am authorized to declare, that His Majesty's Orders in Council of January and November, 1807, will have been withdrawn as respects the United States on the 10th day of June next.

I have the honor to be, &c.

D. M. ERSKINE.

Hon. ROBERT SMITH, &c.

Mr. Smith to Mr. Erskine.

DEPARTMENT OF STATE,

April 19, 1809.

SIR: Having laid before the President your note of this day, containing an assurance that His Britannic Majesty will, on the 10th day of June next, have withdrawn his Orders in Council of January and November, 1807, so far as respects the United States, I have the honor of informing you, that the President will, accordingly, and in pursuance of the eleventh section of the statute, commonly called the non-intercourse act, issue a proclamation, so that the trade of the United States with Great Britain may, on the same day, be renewed in the manner provided in the said section.

I have the honor to be, &c.

R. SMITH.

Hon. D. M. ERSKINE, &c.

By the President of the United States.

A PROCLAMATION.

Whereas it is provided by the eleventh section of the act of Congress, entitled "An act to interdict the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes;" that, "in case either France or Great Britain shall so revoke or modify her edicts as that they shall cease to violate the neutral commerce of the United States," the President is authorized to declare the same by proclamation; after which the trade suspended by the said act, and by an act laying an embargo on all ships and vessels in the ports and harbors of the United States, and the several acts supplementary thereto, may be

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renewed with the nation so doing; and whereas the Hon. David Montague Erskine, His Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, has, by the order and in the name of his Sovereign, declared to this Government that the British Orders in Council of January and November, 1807, will have been withdrawn, as respects the United States, on the 10th day of June next: Now, therefore, I, James Madison, President of the United States, do hereby proclaim that the Orders in Council aforesaid will have been withdrawn on the said 10th day of June next; after which day the trade of the United States with Great Britain, as suspended by the act of Congress above-mentioned, and an act laying an embargo on all ships and vessels in the ports and harbors of the United States, and the several acts supplementary thereto, may be renewed.

Given under my hand, and the seal of the United States, at Washington, the nineteenth day of April, in the year of our [L. s.] Lord one thousand eight hundred and nine, and of the independence of the United States the thirty-third.

JAMES MADISON.

By the President:

R. SMITH, *Secretary of State.*

Mr. Erskine to Mr. Smith.

WASHINGTON, June 15, 1809.

SIR: I have the honor to enclose a copy of an order of His Majesty in Council, issued on the 26th of April last.

In consequence of official communications sent to me from His Majesty's Government, since the adoption of that measure, I am enabled to assure you, that it has no connexion whatever with the overtures which I have been authorized to make to the Government of the United States, and that I am persuaded that the terms of the agreement, so happily concluded by the recent negotiation, will be strictly fulfilled on the part of His Majesty.

The internal evidence of the order itself would fully justify the foregoing construction; and, moreover, it will not have escaped your notice, that the repeal has not thereby been made of the orders of the 7th of January, 1807, which, according to the engagement I have entered into on the part of His Majesty, is to be abrogated with the other orders, in consequence of the adjustment of differences between the two countries, and the confidence entertained of a further conciliatory understanding.

I have the honor to be, &c.

D. M. ERSKINE.

Hon. R. SMITH, &c.

Mr. Smith to Mr. Erskine.

DEPARTMENT OF STATE,
June 15, 1809.

SIR: I have the honor to acknowledge the receipt of your note of this day, communicating

the Order in Council, issued by His Britannic Majesty, on the 26th of April last.

However well persuaded the President may at all times have been, that the arrangement, so happily effected by the late negotiation, would be strictly fulfilled on the part of His Britannic Majesty, he has, nevertheless, received with satisfaction your renewed assurance to that effect, with the further assurance, founded on official communications to you from your Government, since the adoption of the Order in Council of the 26th of April, that that order was not intended to have any connexion whatever with the overtures which you had been authorized to make to the Government of the United States.

I have the honor, &c.

R. SMITH.

RUSSIA.

[Communicated to the Senate, June 26, 1809.]

To the Senate of the United States:

The considerations which led to the nomination of a Minister Plenipotentiary to Russia, being strengthened by evidence since received of the earnest desire of the Emperor to establish a diplomatic intercourse between the two countries, and of a disposition in his Councils favorable to the extension of a commerce mutually advantageous, as will be seen by the extracts from letters from General Armstrong and Consul Harris, herewith confidentially communicated:

I nominate John Quincy Adams, of Massachusetts, to be Minister Plenipotentiary of the United States to the Court of St. Petersburg.

JAMES MADISON.

JUNE 26, 1809.

Mr. Harris to Mr. Madison.

ST. PETERSBURG,
July 7 [19,] 1808.

SIR: No opportunity has offered for the conveyance of the enclosed since the date thereof; this delay has enabled me to transmit you a copy of a note which has been written me by the Minister of Foreign Affairs, announcing the appointment of Mr. de Daschoff, in quality of *Chargé d'Affaires* and Consul General of the United States.

The Minister, in a particular conference I had with him, assured me of the great desire of the Emperor that this gentleman should proceed to his destination without delay, and personally carry His Majesty's sentiments upon the subject of the relations he was so anxious should be firmly established between the two States.

As a direct opportunity to America is likely to offer in about two weeks, I shall defer writing you more particularly until then, and have the honor to remain, with the greatest respect, sir, your most obedient servant,

LEVETT HARRIS.

Hon. JAMES MADISON.

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[TRANSLATION.]

Count de Romanzoff to Mr. Harris.

St. PETERSBURG, June 13, 1808.

The undersigned, Minister of Foreign Affairs, has the honor to inform Mr. Levett Harris, that His Imperial Majesty, wishing more and more to strengthen the ties of friendship between Russia and the United States of America, has judged it proper to name Mr. Daschoff, *assesseur* of the College, his Consul General to Philadelphia, conferring on him, at the same time, the title of his *Chargé d'Affaires* near the Congress of the United States.

The undersigned prays the Consul General to communicate this to his Government, and he seizes this occasion to reiterate to him the assurances of his distinguished consideration.

N. DE ROMANZOFF.

Extract of a letter from General Armstrong, Minister Plenipotentiary of the United States at Paris, to the Secretary of State, dated.

PARIS, November 24, 1808.

Mr. Short, who arrived on the 15th instant, and who delivered to me your letter of the 9th of September, not wishing to have his appointment known here, it has accordingly been concealed. But though this course has been adopted, and is still observed in conformity to Mr. Short's personal wishes, I did not think myself at liberty to keep from the Russian Minister of Foreign Relations (who is now here) the fact, that the President determined to send a Minister to St. Petersburg, and that his arrival there might be soon expected. The manner in which the Count received this intelligence showed the propriety of giving it. Besides expressions of the highest satisfaction on his own part, as well as on that of his master, he immediately dispatched a courier to St. Petersburg, for the purpose of arresting or modifying the arrangements already taken, or about to be taken, with regard to Mr. Daschoff's departure for America. He wished, in particular, to be informed of the grade of public character which the gentleman appointed would bring with him, and added, that "an Imperial Minister of equal rank would be immediately appointed." Nor did he stop here: "Ever since I came into office," he said, "I have been desirous of producing this effect; for dissolving our commercial connexions with Great Britain, it became necessary to seek some other Power in whom we might find a substitute; and, on looking around I could see none but the United States who were at all competent to this object."

GREAT BRITAIN.

[Communicated December 16, 1809, and May 1, 1810.]
To the House of Representatives of the United States:
WASHINGTON, December 16 1809.

Agreeably to the request expressed in the resolution of the 13th instant, I lay before the House

extracts from the correspondence of the Minister Plenipotentiary of the United States at London.
JAMES MADISON.

Brief account of an unofficial conversation between Mr. Canning and Mr. Pinkney, on the 18th of January, 1809, continued on the 22d of the same month. [Transmitted by Mr. Pinkney to the Secretary of State.]

I dined at Mr. Canning's, with the *corps diplomatique*, on the 18th January. Before dinner he came up to me, and, entering into conversation, adverted to a report which he said had reached him that the American Ministers (here and in France) were about to be recalled. I replied, that I was not aware that such a step had been resolved upon. He then took me aside, and observed, that, according to his views of the late proceedings of Congress, the resolutions of the House of Representatives, in the Committee of the Whole, appeared to be calculated, if passed into a law, to remove the impediments to arrangement with the United States, on the subject of the Orders in Council and the Chesapeake, by taking away the discrimination between Great Britain and France in the exclusion of vessels of war from American ports. He added that it was another favorable circumstance that the non-importation system, which seemed to be in contemplation, was to be applied equally to both parties, instead of affecting, as heretofore, Great Britain alone.

I proposed to Mr. Canning that I should call on him in the course of a day or two for the purpose of a free communication upon what he had suggested. To this he readily assented; and it was settled that I should see him on Sunday following (the 22d,) at twelve o'clock, at his own house.

In the interview of the 22d, Mr. Canning's impressions appeared to be in all respects the same with those which he had mentioned on the 18th; and I said everything which I thought consistent with candor and discretion to confirm him in his disposition to seek the re-establishment of good understanding with us, and especially to see, in the expected act of Congress, (if it should pass,) an opening for reconciliation.

It was of some importance to turn their attention here, without loss of time, to the manner of any proceeding that might be in their contemplation. It seemed that the resolutions of the House of Representatives, if enacted into a law, might render it proper, if not indispensable, that the affair of the Chesapeake should be settled at the same time with the business of the orders and embargo, and this I understood to be Mr. Canning's opinion and wish. It followed that the whole matter ought to be settled at Washington, and, as this was moreover desirable on various other grounds, I suggested that it would be well (in case a special mission did not meet their approbation) that the necessary powers should be sent to Mr. Erskine.

In the course of conversation, Mr. Canning

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proposed several questions relative to our late proposal; the principal were the two following:

1st. In case they should wish, either through me or through Mr. Erskine, to meet us upon the basis of our late overture, in what way was the effectual operation of our embargo as to France, &c., after it should be taken off as to Great Britain, to be secured? It was evident, he said, that if we should do no more than refuse clearances for the ports of France, &c., or prohibit, under penalties, voyages to such ports, the effect which my letter of the 23d of August, and my published instructions, proposed to have in view, would not be produced; for that vessels, although cleared for British ports, might, when once out, go to France instead of coming here; and that this would in fact be so, (whenever the penalties which the American laws might denounce against offenders) could not, he imagined, be doubted; and he, therefore, presumed that the Government of the United States would not, after it had itself declared a commerce with France, &c., illegal, and its citizens who should engage in it delinquents, and after having given to Great Britain, by compact, an interest in the strict observation of the prohibition, complain if the naval force of this country should assist in preventing such a commerce.

2d. He asked whether there would be any objection to making the repeal of the British orders and the American embargo contemporaneous? He seemed to consider this as indispensable. Nothing could be less admissible, he said, than that Great Britain, after rescinding her orders, should for any time, however short, be left subject to the embargo in common with France, whose decrees were subsisting, with a view to an experiment upon France, or with any other view. The United States could not, upon their own principles, apply the embargo to this country one moment after its orders were removed, or decline, after that event, to apply it exclusively to France, and the Powers connected with her in system.

I took occasion, towards the close of our conversation, to mention the recent appointment of Admiral Berkeley to the Lisbon station. Mr. Canning said, that whatever might be their inclination to consult the feelings of the American Government on that subject, it was impossible for the Admiralty to resist the claim of that officer to be employed (no other objection existing against him) after such a lapse of time since his return from Halifax, without bringing him to a court martial. The usage of the navy was, in this respect, different from that of the army. But I understood Mr. Canning to say that he might still be brought to a court martial, although I did not understand him to say that this would be the case. He said that Admiral Berkeley, in what he had done, had acted wholly without authority. I did not propose to enter into any discussion upon the subject, and therefore contented myself with speaking of the appointment as unfortunate.

In both of these conversations, Mr. Canning's language and manner were in the highest degree conciliatory.

Copy of a despatch from Mr. Secretary Canning to the Honorable D. M. Erskine.

FOREIGN OFFICE, *January 23, 1809.*

SIR: If there really exist in those individuals who are to have a leading share in the new Administration of the United States that disposition to come to a complete and cordial understanding with Great Britain, of which you have received from them such positive assurances in meeting that disposition, it would be useless and unprofitable to recur to a recapitulation of the causes from which the differences between the two Governments have arisen, or of the arguments already so often repeated in support of that system of retaliation to which His Majesty has unwillingly had recourse.

That system His Majesty must unquestionably continue to maintain, unless the object of it can be otherwise accomplished.

But after the profession, on the part of so many of the leading members of the Government of the United States, of a sincere desire to contribute to that object in a manner which should render the continuance of the system adopted by the British Government unnecessary, it is thought right that a fair opportunity should be afforded to the American Government to explain its meaning, and give proof of its sincerity.

The extension of the interdiction of the American harbors to the ships of war of France as well as of Great Britain, is, as stated in my former despatch, an acceptable system of impartiality towards both belligerents; the first that has been publicly manifested by the American Government.

The like extension of the non-importation act to other belligerents is equally proper in this view. These measures remove those preliminary objections, which must otherwise have precluded any useful or amicable discussion.

In this state of things, it is possible for Great Britain to entertain propositions which, while such manifest partiality was shown to her enemies, were not consistent either with her dignity or her interest.

From the report of your conversations with Mr. Madison, Mr. Gallatin, and Mr. Smith, it appears:

1. That the American Government is prepared, in the event of His Majesty's consenting to withdraw the Orders in Council of January and November, 1807, to withdraw contemporaneously on its part the interdiction of its harbors to ships of war, and all non-intercourse and non-importation acts, so far as respects Great Britain; leaving them in force with respect to France, and the Powers which adopt or act under her decrees.

2. (What is of the utmost importance, as precluding a new source of misunderstanding which might arise after the adjustment of the other questions,) that America is willing to renounce, during the present war, the pretension of carrying on in time of war all trade with the enemy's colonies, from which she was excluded during peace.

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3. Great Britain, for the purpose of securing the operation of the embargo, and of the *bona fide* intention of America to prevent her citizens from trading with France and the Powers adopting and acting under the French decrees, is to be considered as being at liberty to capture all such American vessels as may be found attempting to trade with the ports of any of these Powers; without which security for the observance of the embargo, the raising of it nominally with respect to Great Britain alone, would, in fact, raise it with respect to all the world.

On these conditions His Majesty would consent to withdraw the Orders in Council of January and November, 1807, so far as respects America.

As the first and second of these conditions are the suggestions of the persons in authority in America to you, and as Mr. Pinkney has recently (but for the first time) expressed to me his opinion that there will be no indisposition on the part of his Government to the enforcement, by the naval power of Great Britain, of the regulations of America with respect to France and the countries to which these regulations continue to apply, but that his Government was itself aware that without such enforcement those regulations must be altogether nugatory, I flatter myself that there will be no difficulty in obtaining a distinct and official recognition of these conditions from the American Government.

For this purpose, you are at liberty to communicate this despatch *in extenso* to the American Government.

Upon receiving through you, on the part of the American Government, a distinct and official recognition of the three above-mentioned conditions, His Majesty will lose no time in sending to America a Minister fully empowered to consign them to a formal and regular treaty.

As, however, it is possible that the delay which must intervene before the actual conclusion of a treaty may appear to the American Government to deprive this arrangement of a part of its benefits, I am to authorize you, if the American Government should be desirous of acting upon the agreement before it is reduced into a regular form, (either by the immediate repeal of the embargo and the other acts in question, or by engaging to repeal them on a particular day,) to assure the American Government of His Majesty's readiness to meet such a disposition in the manner best calculated to give it immediate effect.

Upon the receipt here of an official note containing an engagement for the adoption by the American Government of the three conditions above specified, His Majesty will be prepared on the faith of such engagement, either immediately, (if the repeal shall have been immediate in America,) or on any day specified by the American Government for that repeal, reciprocally to recall the Orders in Council, without waiting for the conclusion of the treaty; and you are authorized, in the circumstances herein described, to make such reciprocal engagement on His Majesty's behalf. I am, &c.

Extract of a letter from the Secretary of State to William Pinkney, Esq., Minister Plenipotentiary of the United States in London.

DEPARTMENT OF STATE, March 15, 1809.

The proceedings of Congress, at their late session, combined with the Executive communications, affording as they do additional proofs of the pacific disposition of this Government, and of its strict observance of whatever the laws of neutrality require, you will not fail to avail yourself of the just arguments thence deducible in urging the equitable claims of the United States. The first, second, third, fourth, eleventh, and seventeenth sections of the act interdicting commercial intercourse with Great Britain and France, will, in that view, claim your attention, and especially the eleventh section, authorizing the Executive to renew our commerce with the nation withdrawing the operation of its illegal edicts. And you will be careful to let it be understood that the authority thus vested will, of course, be exercised in the event stated in the law.

Extracts of a letter from Mr. Pinkney, Minister Plenipotentiary of the United States at London, to Mr. Smith Secretary of State.

LONDON, May 1, 1809.

Upon the receipt of your letter of the 15th of March, it became my obvious duty to ask a conference with Mr. Canning. It took place accordingly on Monday the 17th of April.

With a view to do justice to the character and tendency of the law of the 1st of March, I called the attention of Mr. Canning in a particular manner to the eleventh section, which provides for the renewal of commercial intercourse with the Power revoking, or so modifying its edicts as that they should cease to violate the neutral commerce of the United States; and, in obedience to my instructions, I assured him that the authority vested in the President to proclaim such revocation or modification, would not fail to be exercised as the case occurred.

I entered into a minute explanation of the law of the 1st of March, and, in the course of it, availed myself of every inducement of interest which it could be supposed to furnish to this Government to retract its Orders in Council, and of the proofs with which it abounds of the sincere desire of the American Government to cultivate peace and friendship with Great Britain, even while it was repelling what it deemed encroachments and injuries the most pernicious and alarming.

Mr. Canning to Mr. Pinkney.

FOREIGN OFFICE, May 27, 1809.

SIR: According to the intimation which I gave to you in our last conference, I have now the honor to enclose to you a copy of the Order in Council which His Majesty has directed to be issued for the purpose of preventing, as far as possible, any inconvenience or detriment to the merchants of the United States who may have entered into

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commercial speculations on the faith of the unauthorized engagements of Mr. Erskine, previously to the notification in America of His Majesty's disavowal of those engagements.

Having had the honor to read to you *in extenso* the instructions with which Mr. Erskine was furnished, it is not necessary for me to enter into any explanation of those points in which Mr. Erskine has acted, not only not in conformity, but in direct contradiction to them.

I forbear, equally, from troubling you, sir, with any comment on the manner in which Mr. Erskine's communications have been received by the American Government, or upon the terms and spirit of Mr. Smith's share of the correspondence.

Such observations will be communicated more properly through the Minister whom His Majesty has directed to proceed to America, not on any special mission, (which Mr. Erskine was not authorized to promise, except upon conditions, not one of which he has obtained,) but as the successor of Mr. Erskine, whom his Majesty has not lost a moment in recalling.

I have the honor to be &c.

GEORGE CANNING.

To WILLIAM PINKNEY, Esq., &c.

No. 1.

Mr. Erskine to Mr. Smith.

WASHINGTON, July 31, 1809.

SIR: I have the honor to enclose to you a copy of an Order which was passed by His Majesty in Council on the 24th of May last.

In communicating this order, it is with the deepest regret that I have to inform you that His Majesty has not thought proper to confirm the late provisional agreement which I had entered into with you on the part of our respective Governments.

Neither the present time, nor the occasion, will afford me a favorable opportunity for explaining to you the grounds and reasons upon which I conceived I had conformed to His Majesty's wishes, and to the spirit, at least, of my instructions upon that subject; nor, indeed, would any vindication of my conduct, whatever I may have to offer, be of any importance, further than as it might tend to show that no intention existed on my part to practise any deception towards the Government of the United States.

I have the satisfaction, however, to call your attention to that part of the enclosed order which protects the commerce and shipping of the United States from the injury and inconveniences which might have arisen to American citizens from a reliance on the provisional agreement before mentioned; and I cannot but cherish a hope that no further bad consequences may result from an arrangement which I had fully believed would have met His Majesty's approbation, and would have led to a complete and cordial understanding between the two countries.

With sentiments of high respect, &c.

D. M. ERSKINE.

[From the London Gazette, May 27.]

At the Court at the Queen's palace, the 24th May, 1809: Present, the King's Most Excellent Majesty in Council.

Whereas, His Majesty was pleased, by his Order in Council of the 26th of April last, to declare certain ports and places of the countries which have been lately styled the kingdom of Holland, to be subject to the restrictions incident to a strict and rigorous blockade, as continued from His Majesty's former order of the 11th of November, 1807; and whereas, advices have been received of a certain provisional agreement entered into by His Majesty's Envoy Extraordinary and Minister Plenipotentiary in America, with the Government of the United States, whereby it is understood that His Majesty's Orders in Council of the 7th January, and of the 11th of November, 1807, shall be withdrawn, so far as respects the United States, on the tenth of June next.

And whereas, although the said *provisional* agreement is not such as was authorized by His Majesty's instructions, or such as His Majesty can approve, it may already have happened, or may happen, that persons being citizens of the United States may be led, by a reliance on the said provisional arrangement to engage in trade with and to the said ports and places of Holland, contrary to, and in violation of the restrictions imposed by the said orders of the 7th of January, and of the 11th of November, 1807, as altered by the order of the 26th of April last; His Majesty, in order to prevent any inconveniences that may ensue from the circumstances above recited, is pleased, by and with the advice of his Privy Council, to order, and it is hereby ordered, that the said several orders shall be suspended, so far as is necessary for the protection of vessels of the said United States, so sailing under the faith of the said provisional agreement, viz: That after the 9th day of June next, no vessel of the United States which shall have cleared out between the 19th of April last and the 20th July ensuing, for any of the ports of Holland aforesaid, from any port of the United States, shall be molested or interrupted in her voyage by the commanders of His Majesty's ships or privateers.

And it is further ordered, That no vessels of the United States which shall have cleared out from any port of America, previous to the 20th of July next, for any other permitted port, and shall, during her voyage, have changed her destination in consequence of information of the said provisional agreement, and shall be proceeding to any of the ports of Holland aforesaid, shall be molested or interrupted by the commanders of any of His Majesty's ships or privateers, unless such vessel shall have been informed of this order on her voyage, or shall have been warned not to proceed to any of the ports of Holland, aforesaid, and shall, notwithstanding such warning, be found attempting to proceed to any such port.

And it is further ordered, That after the said 9th day of June next, no vessel of the said Uni-

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ted States, which shall have cleared out for, or be destined to any of the ports of Holland, from any port or place not subject to the restrictions of the said order of the 26th of April last, after notice of such provisional agreement, as aforesaid, shall be molested or interrupted in her voyage by the commanders of His Majesty's ships or privateers, provided such vessel shall have so cleared out previous to actual notice of this order at such place of clearance, or, in default of proof of actual notice previous to the like periods of time, after the date of this order, as are *fixed for constructive notice* of His Majesty's orders of the 11th of November, 1808, by the orders of the 25th of November, 1807, and of the 18th of May, 1808, at certain places and latitudes therein mentioned, unless such vessel shall have been informed of this order on her voyage, and warned by any of His Majesty's ships or privateers not to proceed to any port of Holland, and shall, notwithstanding such warning, attempt to proceed to any such port.

And His Majesty is pleased further to order, and it is hereby ordered, That the said several orders of the 7th of January, and 11th November, 1807, as altered by the said order of the 26th of April last, shall also be suspended, so far as is necessary for the protection of vessels of the said United States which shall clear out to any ports not declared to be under the restriction of blockade from any port of Holland, between the ninth day of June and the first day of July next; *Provided always,* That nothing that is contained in the present order shall extend, or be construed to extend, to protect any vessels or their cargoes that may be liable to condemnation or detention for any other cause than the violation of the aforesaid orders of the 7th of January, and 11th of November, 1807, as altered by the said order of the 26th of April last.

Provided also, That nothing in this order contained shall extend, or be construed to extend, to protect any vessels which shall attempt to enter any port actually blockaded by any of His Majesty's ship of war.

And the right honorable the Lords Commissioners of His Majesty's Treasury, His Majesty's Principal Secretaries of State, the Lords Commissioners of the Admiralty, and the Judge of the High Court of Admiralty, and the Judges of the Courts of Vice Admiralty, are to take the necessary measures herein as to them may respectively appertain.

STEPHEN COTTRELL.

Mr. Pinkney to Mr. Canning.

GREAT CUMBERLAND PLACE,

May 29, 1809

SIR: I have received the communication which you did me the honor to address to me on the 27th instant, and will hasten to transmit it to the Secretary of State of the United States.

No instructions or information from my Government concerning the transactions in America to which your communication alludes having

reached me, I can only express my concern that the conciliatory arrangements concerted and concluded, as you have done me the honor to inform me, between the American Secretary of State and His Majesty's accredited Minister at Washington, acting in consequence, and professing to act in pursuance of regular instructions from his Court, are not likely to have all that effect which was naturally to have been expected from them.

I have the honor to be, &c.

WILLIAM PINKNEY.

The Right Hon. G. CANNING, &c.

Extract of a letter from Mr. Pinkney to the Secretary of State.

LONDON, June 6, 1809.

Mr. Canning tells me that the conversations detailed in Mr. Erskine's letter did not, as I had supposed, suggest that the Government of the United States would allow it to be understood that British cruisers might stop American vessels attempting to violate the embargo and non-intercourse, continuing as to France, &c. after they should have been withdrawn as to Great Britain. They suggested that the United States would side with the Power revoking its edicts against the Power persevering. This, Mr. Canning says, he considered (although he did not so insist upon it in the recapitulation of his instructions to Mr. Erskine) as comprehending what I thought he had represented the actual suggestion to be, and what he supposed I had said to him in an informal conversation, at his house in Bruton street, on the 22d of January, in an answer to one of his inquiries.

It will, I am sure, occur to you, as the fact is, that the little which I may have thrown out upon that occasion did not look to the admission of Mr. Canning's object into any stipulation between the two countries, and that I viewed it only as a consequence that might, and would, if France persisted in her unjust decrees, grow out of arrangements similar to those offered by us in August last.

Having no longer any authority (as Mr. Canning knew) to speak officially upon that, or any other point connected with the Orders in Council, and being desirous that this Government should propose negotiation at Washington, as well concerning the orders as the affair of the Chesapeake, I avoided, as much as possible, explanations upon details which would be best managed at home by the Department of State; and endeavored to speak upon what Mr. Canning proposed to me, in such a manner as, that, without justifying unsuitable expectations on his part, or forgetting what was due to the honor of my own Government, I might contribute to produce an effort here towards friendly adjustment.

Extract of a letter from Mr. Pinkney to Mr. Smith.

LONDON, June 9, 1809.

Mr. Erskine's instructions concerning the Orders in Council having been laid before the

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House of Commons, are now printed. You will find them in the newspaper enclosed.

It is not improbable that when Mr. Canning read these instructions to me, I inferred from the manner in which the three points stated in the fifth, sixth, and seventh paragraphs are introduced and connected, that they were all considered as suggested by Mr. Erskine's "report of his conversations with Mr. Madison, Mr. Gallatin, and Mr. Smith;" whether I was led by any other cause into the mistake of supposing that the third (as well as the first and second) was so suggested, I am not sure, and it is not very material.

Mr. Canning's misconception of some informal observations from me in January last, has been in part mentioned in my letter of the sixth instant; but the published instructions show, what I had not collected from hearing them read, that he understood me to have stated "that the American Government was itself aware that without an enforcement, by the naval power of Great Britain, of the regulations of America with respect to France, those regulations must be altogether nugatory." It cannot be necessary to inform you that, in this, as in the other particulars alluded to in my last letter, I have been misapprehended.

I ought to mention that the strong and direct charge against the American Government, of "manifest partiality" to France, introduced, without any qualification or management of expression, into a paper which Mr. Erskine was authorized to communicate *in extenso* to you, did not strike me when that paper was read to me by Mr. Canning.

Extract of a letter from Mr. Pinkney to the Secretary of State.

JUNE 23, 1809.

I had an interview yesterday with Mr. Canning. In conversing upon the first of the conditions, upon the obtaining of which Mr. Erskine was to promise the repeal of the British Orders in Council, and a special mission, I collected, from what was said by Mr. Canning, that the exemption of Holland from the effect of our embargo and non-intercourse, would not have been much objected to by the British Government if the Government of the United States had been willing to concede the first condition subject to that exemption. Mr. Canning observed that the expedient of an actual blockade of Holland had occurred to them as being capable of meeting this exemption, but Mr. Erskine had obtained no pledge, express or implied, or in any form, that we would enforce our non-intercourse system against France and her dependencies; that our actual system would, if not re-enacted or continued as to France, terminate with the present session of Congress; that, for aught that appeared to the contrary in your correspondence with Mr. Erskine, or in the President's proclamation, the embargo and non-intercourse laws might be suffered without any breach of faith to expire, or might even be re-

pealed immediately, notwithstanding the perseverance of France in her Berlin and other edicts; and that Mr. Erskine had in truth secured nothing more, as the consideration of the recall of the Orders in Council, than the renewal of American intercourse with Great Britain.

Upon the second of the conditions mentioned in Mr. Erskine's instructions, I made several remarks. I stated that it had no necessary connexion with the principal subject; that it had lost its importance to Great Britain by the reduction of almost all the colonies of her enemies; that Batavia was understood not to be affected by it; that it could not apply to Guadaloupe, (the only other unconquered colony,) since it was admitted that we were not excluded from a trade with Guadaloupe in time of peace; that I did not know what the Government of the United States would, upon sufficient inducements, consent to do upon this point, but that it could scarcely be expected to give the implied sanction, which this condition called upon it to give, to the rule of the war of 1756, without any equivalent or reciprocal stipulation whatsoever. Mr. Canning admitted that the second condition had no necessary connexion with the Orders in Council, and he intimated that they would have been content to leave the subject of it to future discussion and arrangement. He added that this condition was inserted in Mr. Erskine's instructions, because it had appeared, from his own report of conversations with official persons at Washington, that there would be no difficulty in agreeing to it.

Upon the third condition I said a very few words. I restated what I had thrown out upon the matter of it in an informal conversation in January, and expressed my regret that it should have been misapprehended. Mr. Canning immediately said that he was himself of opinion that the idea upon which that condition turns could not well find its way into a stipulation; that he had, nevertheless, believed it proper to propose the condition to the United States; that he should have been satisfied with the rejection of it; and that the consequence would have been, that they should have intercepted the commerce to which it referred, if any such commerce should be attempted.

Circular.

TREASURY DEPARTMENT, Aug. 9, 1809.

SIR: You will herewith receive a copy of the proclamation of the President of the United States, announcing that certain British Orders in Council were not withdrawn on the tenth day of June last; and, consequently, that the trade renewable on the event of the said orders being withdrawn is to be considered as under the operation of the several acts by which such trade was suspended.

The act "to amend and continue in force certain parts of the act, entitled 'An act to interdict the commercial intercourse between the United States and Great Britain and France, and their

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dependencies, and for other purposes," passed on the 28th of June, is, therefore, in every respect, applicable to Great Britain and her dependencies as well as to France and her dependencies, anything in my circular of the 29th June last to the contrary notwithstanding.

It results that, from the receipt of this, you must, in every instance, except as hereinafter expressed, refuse clearances for British ports, requiring, as usual, bonds from all vessels bound to permitted ports, in the manner provided by the third section of the act above mentioned. But as many British vessels have or may come into the ports of the United States in consequence of the President's proclamation of the 19th of April last, he directs that you will permit such British vessels to depart without giving bond, either in ballast or with the cargo on board, when notified of the enclosed proclamation; it being, however, understood that this indulgence shall not be extended to any other vessels than such as are now in the ports of the United States, or such as may hereafter arrive, having sailed from a foreign port before information of the enclosed proclamation shall have been received at such port.

The President also directs that, until a decision from Congress on that unexpected point shall have been obtained, or until otherwise instructed, seizures or prosecutions for supposed contraventions of either of the abovementioned act, or of the non-intercourse act of 1st March last, arising from acts which would, in conformity with the proclamation of the 19th April last, have been considered as lawful, shall be suspended in the following cases, viz:

1. All vessels which have entered a British port since the 10th of June last, or which may hereafter enter such port, having sailed for the same before information of the enclosed proclamation had been received at the port of departure, so far as relates to any forfeiture or penalty which may accrue, or have accrued, by reason of their having thus entered a British port.

2. All vessels which may have arrived, either from British ports or with merchandise, in the United States, subsequent to the 10th of June last, and, also, all vessels which may hereafter thus arrive, having sailed for the United before information of the enclosed proclamation shall have been received at the port of departure, so far as relates to any forfeiture or penalty accruing from having arrived or arriving in the United States from British ports or with British merchandise.

3. All vessels now owned by citizens of the United States, and sailing under the American flag, which, being in a foreign port at the time when the enclosed proclamation will be made known at such port, shall with all due diligence depart therefrom, and return without delay to the United States, so far as relates to any forfeiture or penalty accruing from their arriving in the United States from British ports or with British merchandise.

In the above-mentioned cases of vessels arriving in the United States, and which are for the pres-

ent exempted from seizure, the vessels and cargoes may be admitted to entry.

The time when the enclosed proclamation shall have been known at the ports of departure, respectively, must be ascertained by the best means in your power; and you may refer doubtful cases to this department.

Application may of course still be made in all cases for an absolute remission of the forfeitures and penalties in the manner provided by law; the instruction herein given, to abstain from prosecutions and seizures in the above-mentioned cases being only intended to prevent the expenses and inconvenience to which the parties concerned would otherwise be exposed.

I am, respectfully, sir, your obedient servant.

ALBERT GALLATIN.

The COLLECTOR of

By the President of the United States of America.

A PROCLAMATION.

Whereas, in consequence of a communication from His Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, declaring that the British Orders of Council of January and November, 1807, would have been withdrawn on the 10th day of June last; and by virtue of authority given, in such event, by the eleventh section of the act of Congress, entitled "An act to interdict the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes," I, JAMES MADISON, President of the United States, did issue my proclamation bearing date on the 19th of April last, declaring that the Orders in Council aforesaid would have been so withdrawn on the said 10th day of June, after which the trade suspended by certain acts of Congress might be renewed; and whereas it is now officially made known to me that the said Orders in Council have not been withdrawn agreeably to the communication and declaration aforesaid: I do hereby proclaim the same, and, consequently, that the trade renewable on the event of the said orders being withdrawn, is to be considered as under the operation of the several acts by which such trade was suspended.

Given under my hand and the seal of the United States, at the City of Washington, the ninth day of August, in the year of our Lord one thousand eight hundred and nine, and of the independence of the said United States the thirty-fourth.

JAMES MADISON.

By the President:

R. SMITH, *Secretary of State.*

No. 2.

The Secretary of State, to Mr. Erskine.

DEPARTMENT OF STATE, Aug. 9, 1809.

SIR: I have just received from Mr. Pinkney a letter, enclosing a printed paper, purporting to be a copy of a despatch to you from Mr. Canning,

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which states, among other things, that, from the report of your conversations with Mr. Madison, Mr. Gallatin, and Mr. Smith, it appears:

"1st. That the American Government is prepared, in the event of His Majesty's consenting to withdraw the Orders in Council of January and November, 1807, to withdraw, contemporaneously, on his part, the interdiction of its harbors to ships of war, and all non-intercourse and non-importation acts, so far as respects Great Britain, leaving them in force with respect to France, and the Powers which adopt or act under her decrees.

"2d. That America is willing to renounce during the present war, the pretension of carrying on, in time of war, all trade with the enemy's colonies, from which she was excluded during peace.

"3d. Great Britain, for the purpose of securing the operation of the embargo, and the *bona fide* intention of America to prevent her citizens from trading with France, and the Powers adopting and acting under the French decrees, is to be considered as being at liberty to capture all such American vessels as may be found attempting to trade with the ports of any of these Powers; without which security for the observance of the embargo, the raising it nominally with respect to Great Britain alone would, in fact, raise it with respect to all the world."

I have the honor to request you to favor me with such explanations as your candor will at once suggest, in relation to these imputed conversations.

I forbear to express to you, sir, the surprise that is felt at the extraordinary pretensions set forth in this letter of instruction, and especially at the expectation that this Government would, as a preliminary, recognise conditions, two of which are so manifestly irreconcilable to the dignity and interest of the United States. I, however, would remark, that, had you deemed it proper to have communicated *in extenso* this letter, it would have been impossible for the President to have perceived in its conditions, or in its spirit, that conciliatory disposition which had been professed, and which it was hoped had really existed.

I have the honor to be, &c.

R. SMITH.

Hon. D. M. ERSKINE, &c.

No. 3.

Mr. Erskine to Mr. Smith.

WASHINGTON, August 14, 1809.

SIR: I have the honor to acknowledge the receipt of your letter of the 9th instant, informing me that you had just received a letter from Mr. Pinkney, enclosing a printed paper, purporting to be a copy of a despatch to me from Mr. Canning, which states, among other things, "from the report of your conversations with Mr. Madison, Mr. Gallatin, and Mr. Smith, it appears:

"1st. That the American Government is prepared, in the event of His Majesty's consenting to withdraw the Orders in Council of January and November, 1807, to withdraw, contemporaneously, on its part, the interdiction of its harbors to ships of war, and all non-intercourse and non-importation acts, so far as respects Great Britain, leaving them in force with respect to France, and the Powers which adopt or act under her decrees.

"2d. That America is willing to renounce, during the present war, the pretension of carrying on, in time of war, all trade with the enemy's colonies, from which she was excluded during peace.

"3d. Great Britain, for the purpose of securing the operation of the embargo, and the *bona fide* intention of America to prevent her citizens from trading with France, and the Powers adopting and acting under the French decrees, is to be considered as being at liberty to capture all such American vessels as may be found attempting to trade with the ports of any of these Powers; without which security for the observance of the embargo, the raising it nominally with respect to Great Britain alone would, in fact, raise it with respect to all the world."

The explanations which you request from me upon that subject shall be given with candor; and I will proceed, accordingly, to lay before you an abstract of the communications which I made to His Majesty's Government relative to the unofficial conversations which I had held with Mr. Madison, (then Secretary of State,) Mr. Gallatin, and yourself, at the time and upon the occasion alluded to by His Majesty's Secretary of State, (Mr. Canning,) in that part of his instructions to me, of which you inform me you have received a printed copy from Mr. Pinkney.

Upon referring to my despatches, addressed to His Majesty's Government, of the 3d and 4th of December last, in which these communications are detailed, I conclude that the conversations alluded to must have been held some days previous to that period, and were to the following effect:

Mr. Madison (then Secretary of State) is represented by me to have urged various arguments, tending to prove that the United States had exerted all their efforts to persuade the French Government to withdraw their unjust restrictions upon neutral commerce, and that recourse might have been had to measures of more activity and decision against France than mere remonstrances, but that, in the meantime, Great Britain had issued her Orders in Council before it was known whether the United States would acquiesce in the aggressions of France, and thereby rendered it impossible to distinguish between the conduct of the two belligerents, who had equally committed aggressions against the United States.

After some other observations, Mr. Madison is stated by me, at that time, to have added, that, as the world must be convinced that America had in vain taken all the means in her power to obtain from Great Britain and France a just atten-

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tion to her rights as a neutral Power, by representations and remonstrances, she would be fully justified in having recourse to hostilities with either belligerent, and that she only hesitated to do so from the difficulty of contending with both; but that she must be driven even to endeavor to maintain her rights against the two greatest Powers in the world, unless either of them should relax their restrictions upon neutral commerce; in which case, the United States would at once side with that Power against the other which might continue its aggressions.

That every opinion which he entertained respecting the best interests of his country led him to wish that a good understanding should take place between Great Britain and the United States, and that he thought that the obvious advantages which would thereby result to both countries were a sufficient pledge of the sincerity of his sentiments.

These observations, sir, I beg leave to remark, were made to me by Mr. Madison about a month after the intelligence had been received in this country of the rejection by His Majesty's Government of the proposition made through Mr. Pinkney by the President for the removal of the embargo, as respects Great Britain, upon condition that the Orders in Council should be withdrawn, as respected the United States; and his sentiments were, as I conceived, expressed to me, in order that I might convey them to His Majesty's Government, so as to lead to a reconsideration of the proposition above mentioned, with a view to the adjustment of the differences upon that subject between the respective countries. But I never considered that Mr. Madison meant that the Government of the United States would pledge themselves beyond the proposition respecting the embargo, as above stated, because that was the extent of the power of the President by the Constitution of the United States.

I understood, very distinctly, that the observations of the Secretary of State were intended to convey an opinion as to what ought and would be the course pursued by the United States in the event of His Majesty's Orders in Council being withdrawn.

In these sentiments and opinions you concurred, as I collected from the tenor of several conversations which I held with you at that period.

With respect to the second point, as stated in your letter to be contained in a "despatch from Mr. Canning," I beg leave to offer the following explanation:

In the course of a private interview I had with Mr. Gallatin, the Secretary of the Treasury, he intimated that the non-intercourse law which was then likely to be passed by the Congress, might be considered as removing two very important grounds of difference with Great Britain, viz: the non-importation act, as applicable to her alone, and also the President's proclamation, whereby the ships of Great Britain were excluded from the ports of the United States, while those of France were permitted to enter;

but that, by the non-intercourse law, both Powers were placed on the same footing. He did not pretend to say that this measure had been taken from any motives of concession to Great Britain; but as, in fact, those consequences followed, he conceived they might be considered as removing the two great obstacles to a conciliation.

He adverted also to the probability of an adjustment of another important point in dispute between the two countries, as he said he knew that it was intended by the United States to abandon the attempt to carry on a trade with the colonies of the belligerents in time of war, which was not allowed in time of peace, and to trust to their being permitted by the French to carry on such trade in peace, so as to entitle them to a continuance of it in time of war.

As it may be very material to ascertain what "trade with the colonies of belligerents" was, in my conception, meant by Mr. Gallatin as intended to be abandoned by the United States, I feel no hesitation in declaring that I supposed he alluded to the trade from the colonies of belligerents *direct* to their mother country, or to the ports of other belligerents, because the right to such trade had been the point in dispute; whereas, the right to carry on a trade from the colonies of belligerents to the United States had never been called in question, and had been recognised by His Majesty's Supreme Court of Admiralty; and the terms even upon which such colonial produce might be re-exported from the United States, had been formally arranged in a treaty signed in London by the Ministers Plenipotentiary of both countries, which was not, indeed, ratified by the President of the United States, but was not objected to as to that article of it which settled the terms upon which such trade was to be permitted.

Such was the substance, sir, of the unofficial conversations which I had held with Mr. Madison, Mr. Gallatin, and yourself, which I did not consider, or represent to His Majesty's Government, as intended with any other view than to endeavor to bring about the repeal of the Orders in Council, by showing that many of the obstacles which had stood in the way of an amicable adjustment of the differences between the two countries were already removed, and that a fair prospect existed of settling what remained; since the United States exhibited a determination to resist the unjust aggressions upon her neutral rights, which was all that Great Britain had ever required; but I certainly never received any assurances from the American Government that they would pledge themselves to adopt the conditions specified in Mr. Canning's instructions as preliminaries; nor did I ever hold out such an expectation to His Majesty's Government, having always stated to them that, in the event of His Majesty thinking it just or expedient to cause his Orders in Council to be withdrawn, the President would take off the embargo as respected England, leaving it in operation against France, and the Powers which adopted or acted under her decrees, according to the authority which

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was vested in him at that time by the Congress of the United States; and that there was every reason to expect that a satisfactory arrangement might be made upon the points of the colonial trade, which had been so long in dispute between the two countries.

As to the third condition referred to by you, specified in Mr. Canning's instructions, I have only to remark, that I never held any conversation with the members of the Government of the United States relative to it until my late negotiation, or had ever mentioned the subject to His Majesty's Government; it having, for the first time, been presented to my consideration in Mr. Canning's despatch to me of the 23d of January, in which that idea is suggested, and is stated to have been assented to by Mr. Pinkney.

It would be unavailing at the present moment to enter upon an examination of the "pretensions set forth in Mr. Canning's letter of instructions," which you are pleased to term "extraordinary."

I consider it, however, to be my duty to declare that, during my negotiation with you, which led to the conclusion of the provisional agreement, I found no reason to believe that any difficulties would occur in the accomplishment of the two former conditions, as far as it was in the power of the President of the United States to accede to the first, and consistently with the explanation which I have before given of the second point; on the contrary, I received assurances, through you, that the President would comply (as far as it was in his power) with the first condition, and that there could be no doubt that the Congress would think it incumbent upon them to assert the rights of the United States against such Powers as should adopt or act under the decrees of France, as soon as their actual conduct or determination upon that subject could be ascertained; but that, in the meantime, that the President had not the power, and could not undertake to pledge himself in the formal manner required to that effect.

I received, also, assurances from you that no doubt could be reasonably entertained that a satisfactory arrangement might be made in a treaty upon the subject of the second condition mentioned in Mr. Canning's instructions, according to my explanation of it in the foregoing part of this letter; but that it necessarily would form an article of a treaty, in which the various pretensions of the two countries should be settled.

The third condition you certainly very distinctly informed me could not be recognised by the President, but you added, what had great weight in my mind, that you did not see why any great importance should be attached to such a recognition; because it would be impossible that a citizen of the United States could prefer a complaint to his Government, on account of the capture of his vessel, while engaged in a trade absolutely interdicted by the laws of his country.

Under these circumstances, therefore, finding that I could not obtain the recognitions specified in Mr. Canning's despatch of the 23d of January,

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(which formed but *one part* of his instructions to me,) in the formal manner required, I considered that it would be in vain to lay before the Government of the United States the despatch in question, which I was at *liberty* to have done *in extenso*, had I thought proper. But as I had such strong grounds for believing that the object of His Majesty's Government could be attained, though in a different manner, and the spirit, at least, of my several letters of instructions be fully complied with, I felt a thorough conviction upon my mind that I should be acting in conformity with His Majesty's wishes; and, accordingly concluded the late provisional agreement, on His Majesty's behalf, with the Government of the United States.

The disavowal, by His Majesty, is a painful proof to me that I had formed an erroneous judgment of His Majesty's views, and the intention of my instructions; and I have most severely to lament that an act of mine (though unintentionally) should produce any embarrassment in the relations between the two countries.

It is a great consolation to me, however, to perceive that measures have been adopted by both Governments to prevent any losses, and to obviate any inconveniences which might have arisen to the citizens or subjects of either country from a reliance on the fulfilment of that provisional agreement; and I cannot but cherish a hope that a complete and cordial understanding between the two countries may be effected.

I beg leave to add, that it would have given me great happiness to have contributed to so desirable an object, and to offer you the assurances of the great respect and high consideration with which I remain, sir, your obedient servant,

D. M. ERSKINE.

HON. ROBERT SMITH.

No. 4.

The Secretary of State to Mr. Erskine.

WASHINGTON, Aug. 13, 1809.

SIR: I do not believe that, in the conversations we have had respecting the practicability of an adjustment of the differences between the United States and Great Britain, we ever have misunderstood one another. Yet as, from Mr. Canning's instructions, lately published by your Government, it would seem that some opinions are ascribed to several members of this Administration which they did not entertain, it appears necessary to ascertain whether on any point a misapprehension can have taken place.

I will forbear making any observations on what, in the instructions, is called the third condition, since it is not asserted that that inadmissible proposition was suggested at Washington.

The points embraced in Mr. Canning's first proposition formed the principal topic of our conversations relative to a revocation of the Orders in Council. Yet, in the manner in which that proposition is expressed, it goes further than had been suggested by the members of this Administration. It is sufficiently evident, from the

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proceedings of Congress, both previous and subsequent to the unratified agreement of April last, that the United States intended to continue the restrictions on the commercial intercourse with France, while such of her decrees as violated our neutral rights continued in force, and to remove those restrictions, in relation to Great Britain, in the event of a revocation of the Orders in Council. But that state of things, so far as it related to France, was to result from our own laws, known or anticipated by your Government when they authorized an arrangement; and it was not proposed by us that the continuance of the non-intercourse with France should be made a condition of that arrangement. While on that subject, I will add an observation, though, perhaps, not immediately connected with the object of this letter. I think that the object of that proposition, so far as it agreed with your previous understanding of the intentions of this Government, has been substantially carried into effect on our part. It is true that your Government might at the date of the instructions have expected, from the incipient proceedings of Congress, that Holland would be embraced by the restrictive laws of the United States. Not only, however, was the omission nominal, since American vessels were at the time, by the decrees of that country, refused admission into its ports; but, under the same construction of our laws, by which the commercial intercourse with Holland was permitted, that with Portugal was also considered as legal, in the event of that country being occupied by British troops, in the name of the Prince Regent.

It is, therefore, principally as respects the second condition, which relates to the colonial trade, that erroneous inferences might be drawn from the expressions used in Mr. Canning's instructions. Although the subject must have been mentioned here incidentally, and only in a transient manner, as it is one to which I had paid particular attention, and on which my opinion had never varied, I think that I can state with precision in what view I have always considered it, and must have alluded to it.

1st. I never could have given countenance to an opinion that the United States would agree, or that it would be proper, to make any arrangement whatever with respect to the colonial trade, a condition of the revocation of the Orders in Council. The two subjects were altogether unconnected, and I am confident that such a proposition was never suggested either by you or by any member of this Administration. Such an arrangement could be effected only by treaty; and it is with a considerable degree of surprise that I see your Government now asking, not only resistance to the French decrees, but the abandonment of a branch of our commerce, as the price of the revocation of the Orders in Council. This seems to give a new character to a measure which had heretofore been represented as an act of retaliation reluctantly adopted, and had been defended solely on the ground of a supposed acquiescence on the part of the United States in the injurious decrees of another nation.

2d. In the event of a treaty embracing all the points in dispute, and particularly that of impressments, without which, I trust, no treaty will ever take place, it was my opinion, and I may certainly have expressed it, that if the other subjects of difference were arranged, that respecting the colonial trade would be easily adjusted. I had considered the principles recognised in a former correspondence between Lord Hawkesbury and Mr. King, on the subject of the colonial trade, and, subsequently, again adopted in the treaty negotiated by Messrs. Monroe and Pinkney, as a general basis agreed on under different Administrations by both Governments, from which neither could now recede, and susceptible only of modifications as to details. The instructions to our Ministers in London on that subject had also been published, and were known to your Government. I therefore believed, that the United States, in the event of a treaty, would still be disposed to waive for the present, in the manner and on the terms contemplated by those instructions, their right to that branch, and to that branch only, of the colonial trade, known by the name of direct trade, that is to say, the trade carried directly from belligerent colonies to the belligerents in Europe, when that trade was not permanently, in peace as in war, permitted by the laws of the country to which these colonies belonged. The right to a trade between such colonies and the United States generally, and to that in colonial articles between the United States and other countries, never can, nor will, in my opinion, be abandoned, or its exercise be suspended, by this Government. On the contrary, it is solely in order to secure, by an express treaty stipulation, that trade against the danger of interruption, and thus, by a mutual spirit of accommodation, to avoid collisions, that the abandonment of the direct branch can ever be assented to.

Permit me, therefore, to request, that you will inform me whether you understood me on those two points, as I certainly meant to be understood; namely, that the relinquishment, during the present war, of what is called the direct trade, was alone contemplated; and that no arrangement on that subject was suggested as a condition of the revocation of the Orders in Council.

I have the honor to be, with the highest respect and consideration, sir, your obedient servant,

ALBERT GALLATIN.

Hon. D. M. ERSKINE, Minister, &c.

No. 5.

Mr. Erskine to Mr. Gallatin.

WASHINGTON, Aug. 15, 1809.

SIR: I have the honor to acknowledge the receipt of your letter of the 13th instant, in which you have been pleased to say, that although you "do not believe that in the conversations we have had respecting the practicability of an adjustment of the differences between the United States and Great Britain, we ever have misunderstood one another; yet as, from Mr. Canning's

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instructions, lately published by my Government, it would seem that some opinions are ascribed to several members of this Administration which they did not entertain, it appears necessary to ascertain whether, on any point, a misapprehension can have taken place."

In answer to your inquiries, I have great satisfaction in assuring you that there appears to have been no misunderstanding respecting the substance or meaning of the conversations which passed between us, as stated in Mr. Canning's instructions alluded to.

After the most careful perusal of your statement of the purport of our conversations, I cannot discover any material difference from the representation which I have made upon that subject to the Secretary of State, (Mr. Rob't Smith,) in my letter to him of the 16th instant, to which I will, therefore, beg to refer you, as I have therein detailed the substance of the conversation according to my recollection of it; which is, in every respect, essentially the same as that which you seem to have entertained.

During the conversation which we held, respecting the practicability of an amicable adjustment of the differences between the two countries, when the relinquishment, by the United States, during the present war, of what is called the colonial trade, was suggested by you, I conceived that you meant (as you have stated) "the trade carried directly from belligerent colonies to the belligerents in Europe, when that trade was not permanently, in peace as in war, permitted by the laws of the country to which those colonies belonged."

I never supposed that you intended to convey an opinion that the Government of the United States would make any arrangement respecting the colonial trade, as a condition of the revocation of the Orders in Council, the two subjects being altogether unconnected, nor have I ever represented to His Majesty's Government that such preliminary pledges would be given.

With sentiments of the highest respect, I have the honor to be, sir, your most obedient humble servant,

D. M. ERSKINE.

Hon. A. GALLATIN, &c.

No. 6.

The Secretary of State to Mr. Jackson.

DEPARTMENT OF STATE,
October 9, 1809.

SIR: An arrangement as to the revocation of the British Orders in Council, as well as to the satisfaction required in the case of the attack on the Chesapeake frigate, has been made in due form by the Government of the United States, with David Montague Erskine, Esq., an accredited Minister Plenipotentiary of His Britannic Majesty. And after it had been faithfully carried into execution on the part of this Government, and under circumstances rendering its effects on the relative situation of the United States irrevocable, and, in some respects, irreparable. His

Britannic Majesty has deemed it proper to disavow it, to recall his Minister, and to send another to take his place.

In such a state of things, no expectation could be more reasonable, no course of proceeding more obviously prescribed by the ordinary respect due to the disappointed party, than a prompt and explicit explanation by the new functionary of the grounds of the refusal, on the part of his Government, to abide by an arrangement so solemnly made, accompanied by a substitution of other propositions.

Under the influence of this reasonable expectation, the President has learned, with no less surprise than regret, that in your several conferences with me you have stated:

1st. That you have no instructions from your Government which authorize you to make any explanations whatever to this Government as to the reasons which had induced His Britannic Majesty to disavow the arrangement lately made by your predecessor; and that, therefore, you could not make any such explanations.

2d. That, in the case of the Chesapeake, your instructions only authorize you (without assigning any reason whatever why the reasonable terms of satisfaction tendered and accepted have not been carried into effect) to communicate to this Government, a note tendering satisfaction, with an understanding that such note should not be signed and delivered by you, until you should have previously seen and approved the proposed answer of this Government, and that the signing and the delivery of your note, and of the answer of this Government, should be simultaneous.

3d. That you have no instructions which authorize you to make to this Government any propositions whatever in relation to the revocation of the British Orders in Council, but only to receive such as this Government may deem it proper to make to you.

4th. That, at all events, it is not the disposition or the intention of the British Government to revoke their Orders in Council, as they respect the United States, but upon a formal stipulation, on the part of the United States, to accede to the following terms and conditions, viz:

1st. That the act of Congress, commonly called the non-intercourse law, be continued against France so long as she shall continue her decrees.

2d. That the navy of Great Britain be authorized to aid in enforcing the provisions of the said act of Congress.

3d. That the United States shall explicitly renounce, during the present war, the right of carrying on any trade whatever, direct or indirect, with any colony of any enemy of Great Britain, from which they were excluded during peace; and that this renunciation must extend, not only to the trade between the colony and the mother country, but to the trade between the colony and the United States.

If, in the foregoing representation, it should appear that I have, in any instance, misapprehended your meaning, it will afford me real pleasure to be enabled to lay before the President a

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statement corrected agreeably to any suggestions with which you may be pleased to favor me.

To avoid the misconceptions incident to oral proceedings, I have also the honor to intimate, that it is thought expedient that our further discussions, on the present occasion, be in the written form. And, with great sincerity, I assure you, that whatever communications you may be pleased thus to make, will be received with an anxious solicitude to find them such as may lead to a speedy removal of every existing obstacle to that mutual and lasting friendship and cordiality between the two nations, which it is obviously the interest of both to foster. I have the honor to be, &c.

R. SMITH.

Hon. F. J. JACKSON, &c.

No. 7.

Mr. Jackson to Mr. Smith.

WASHINGTON, Oct. 11, 1809.

SIR: I have had the honor of receiving your official letter of the 9th inst., toward the close of which you inform me, that it had been thought expedient to put an end to all verbal communication between yourself and me, in discussing the important objects of my mission. Considering that a very few days have elapsed since I delivered to the President a credential letter from the King my master, and that nothing has been even alleged to have occurred to deprive me of the facility of access, and of the credit to which, according to immemorial usage, I am by that letter entitled, I believe there does not exist in the annals of diplomacy a precedent for such a determination between two Ministers who have met for the avowed purpose of terminating amicably the existing differences between their respective countries; but, after mature reflection, I am induced to acquiesce in it, by the recollection of the time that must necessarily elapse before I can receive His Majesty's commands upon so unexpected an occurrence, and of the detriment that would ensue to the public service, if my Ministerial functions were, in the interval, to be altogether suspended. I shall, therefore, content myself with entering my protest against a proceeding which I can consider in no other light than as a violation, in my person, of the most essential rights of a public Minister, when adopted, as in the present case, without any alleged misconduct on his part. As a matter of opinion I cannot, I own, assent to the preference which you give to written over verbal intercourse for the purpose of mutual explanation and accommodation. I have thought it due to the public character with which I have the honor to be invested, and to the confidence which His Majesty has most graciously been pleased to repose in me, to state to you unreservedly my sentiments on this point. I shall now proceed to the other parts of your letter, and apply to them the best consideration that can arise from a zeal proportioned to the increase of difficulty thus thrown in the way of the restoration of a thorough good understanding between our respective countries.

You state, sir, very truly, that an arrangement had been made between you and Mr. Erskine, and that His Majesty had thought proper to disavow that arrangement.

I have here, in the outset, to regret the loss of the advantage of verbal intercourse with you, as I should have availed myself of it to inquire whether, by your statement, it was your intention to complain of the disavowal itself, or of a total want of explanation of it, or of the circumstance of that explanation not having been made through me. I observe, that, in the records of this mission, there is no trace of a complaint, on the part of the United States, of His Majesty having disavowed the act of his Minister. You have not, in the conferences we have hitherto held, distinctly announced any such complaint, and I have seen with pleasure, in this forbearance on your part, an instance of that candor, which, I doubt not, will prevail in all our communications, inasmuch as you could not but have thought it unreasonable to complain of the disavowal of an act done under such circumstances as could only lead to the consequences that have actually followed.

It was not known, when I left England, whether Mr. Erskine had, according to the liberty allowed him, communicated to you *in extenso* his original instructions. It now appears that he did not. But, in reverting to his official correspondence, and particularly to a despatch addressed, on the 20th of April, to his Majesty's Secretary of State for Foreign Affairs, I find that he there states that he had submitted to your consideration the three conditions specified in those instructions as the groundwork of an arrangement, which, according to information received from this country, it was thought in England might be made with a prospect of great mutual advantage. Mr. Erskine then reports *verbatim et seriatim* your observations upon each of the three conditions, and the reasons which induced you to think that others might be substituted in lieu of them. It may have been concluded between you that these latter were an equivalent for the original conditions; but the very act of substitution evidently shows that those original conditions were, in fact, very explicitly communicated to you, and by you, of course, laid before the President for his consideration. I need hardly add, that the difference between these conditions and those contained in the arrangement of the 18th and 19th of April, is sufficiently obvious to require no elucidation; nor need I draw the conclusion, which I consider as admitted by all absence of complaint, on the part of the American Government, viz: that, under such circumstances, His Majesty had an undoubted and incontrovertible right to disavow the act of his Minister. I must here allude to a supposition, which you have more than once mentioned to me, and by which, if it had any the slightest foundation, this right might, perhaps, have been in some degree affected. You have informed me that you understood that Mr. Erskine had two sets of instructions by which to regulate his

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conduct; and that upon one of them, which had not been communicated either to you or to the public, was to be rested the justification of the terms finally agreed upon between you and him. It is my duty, sir, solemnly to declare to you, and through you to the President, that the despatch from Mr. Canning to Mr. Erskine, which you have made the basis of an official correspondence with the latter Minister, and which was read by the former to the American Minister in London, is the only despatch by which the conditions were prescribed to Mr. Erskine, for the conclusion of an arrangement with this country on the matter to which it relates.

To return to the immediate subject of your letter. If, sir, it be your intention to state, that no explanation whatever has been given to the American Government of the reasons which induced His Majesty to disavow the act of my predecessor, I must, in that case, observe, that, in the instructions conveying to him His Majesty's intention, those reasons were very fully and forcibly stated; and if he has not transmitted them to you, I can only attribute it to the peculiar delicacy and embarrassment of his situation, for which he probably trusted to the President's goodness to make some allowance; and he might the more reasonably be led to that reliance on it, as a full and ample communication was also made upon the subject by His Majesty's Secretary of State for Foreign Affairs to Mr. Pinkney, to whom the whole of Mr. Erskine's original instruction was read, and who, it was natural to suppose, would convey to his Government so much information upon a very momentous occasion, as would relieve Mr. Erskine from the necessity of entering into minute details of the misunderstanding that had occurred. At all events, no complaint can be substantiated against His Majesty's Government on this score, seeing that they not only instructed the Minister who had made the disavowed arrangement as to the motives which occasioned the disavowal, but also with frankness, promptitude, and a most scrupulous regard to national honor, gave notice to the American Minister in London of the disavowal of the motives of it, and of the precautions spontaneously taken by His Majesty to prevent any loss or injury accruing to the citizens of the United States from a reliance on any agreement, however unauthorized, made in His Majesty's name. The mere allusion to this latter circumstance dispenses me from further noticing the effects which you describe as being produced upon the United States by the circumstances of this agreement. How far they are irrevocable is not for me to determine; but the word *irreparable* seems to imply that a loss had been sustained on the occasion by the public, or by the individuals of this country. So far as His Majesty could be, by possibility, supposed answerable for such an eventual loss, he has, as I have before stated, taken the utmost precautions to avert it.

As to the expectation entertained here, that the explanation of His Majesty's share in this transaction should be made through me, I might

content myself with simply observing, that I was not provided with instructions to that effect, because it was known that the explanation in question had already been given. But it accords with the sentiments of His Majesty towards this country, to observe, also, that he considered that, as some time must necessarily elapse between my appointment and my entrance on the duties of my ministry, it would be a more friendly mode of proceeding to state, without delay, and through the channels I have already mentioned, the motives that compelled His Majesty to disavow the agreement, than to leave the American Government in uncertainty in these respects, till the unavoidably protracted period of my arrival in America. I say this in regard to the original notification of His Majesty's determination, and of the motives of it, which, being already made, it could not be supposed in London that a repetition of them would be expected from me; and, of course, no such case has been foreseen in my instructions. But if, beyond this, any incidental explanation or discussion should be wished for by this Government, I came fully prepared to enter into them. I even consider them to have taken place between us. I have certainly derived great satisfaction from the several hours which we have spent in conference upon these subjects, because they have enabled me to remove some misunderstandings, and to refute many misrepresentations, which you yourself informed me of, in regard to the conduct of the British Government. I consider such mutual explanations as highly beneficial to a right understanding of the views and interests of the two countries, and I should, with much pleasure, have renewed them, if you had not informed me that the President had been pleased to prescribe another and a different mode of conducting our negotiations.

I will, nevertheless, avail myself of that mode, which he still permits, to repeat to you, that His Majesty has authorized me, notwithstanding the ungracious manner in which his former offer of satisfaction for the affair of the Chesapeake was received, to renew that which Mr. Erskine was instructed to make. You have said that you so fully understood the particulars of that offer, that I deem it unnecessary to recapitulate them here. I regret that, since they were so clearly understood by you, you should not yet have been enabled to state to me, either in our personal communications, or in the letter which I am now answering, whether they are considered by the President as satisfactory, or whether they are such as he ultimately means to accept. You seem not so distinctly to have understood the form of proceeding in this affair, which I took the liberty of suggesting as likely to lead to a satisfactory result, without, however, at all precluding any other method which might appear preferable to you. My proposal was, not to communicate a note tendering satisfaction, but to agree with you beforehand upon the terms of a declaration on the part of His Majesty, which should actually give the satisfaction, (the conditions of which I informed you that I was author-

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ized to carry into immediate execution,) and of a counter-declaration, to be signed by you on the part of the United States, for the purpose of accepting such satisfaction. I expressly stated that this interchange of official documents was not meant by me as the means of conveying to each other our respective sentiments; *that* I understood to be, as is usual, the object of our conferences; and I imagined that the papers to be signed by us, respectively, would be the result of those sentiments so communicated; and that, by being reciprocally corrected and modified, and simultaneously delivered, they would form one compact by which the two countries would be equally bound. This course of proceeding is conformable to the practice of the Courts of Europe on similar occasions. You did not, at the time, appear to object to it; you even requested me to come the next day, prepared with a draught or *projet* of a paper, framed in pursuance to these ideas; and although you desired to refer the subject to the President for his approbation, I do not find in your letter either an expression of his sentiments upon it, or the substitution of any other form that might be more agreeable to him than the one which I have proposed.

I touch, with considerable and very sincere reluctance, upon that part of your letter, in which you state that I had not assigned "any reason whatever why the reasonable terms of satisfaction, tendered and accepted, have not been carried into effect."

I believed that I had observed to you, in the words of my instructions, that if His Majesty were capable of being actuated by any desire to retract an offer of reparation which he had once made, His Majesty might be well warranted in doing so, both by the form in which his accredited Minister had tendered that reparation, and by the manner in which that tender had been received. I believe that I elucidated this observation by a reference to the particular expressions, which made the terms of satisfaction appear to be unacceptable even to the American Government, at the very moment when they were accepted, and which, at all events, put it totally out of His Majesty's power to ratify and confirm any act in which such expressions were contained.

On the subject of His Majesty's Orders in Council, I have had the honor of informing you that His Majesty, having caused to be made to the Government of the United States certain proposals founded upon principles, some of which were understood to originate in American authorities, and others to be acquiesced in by them; and having afterwards ascertained, in the manner mentioned in a former part of this letter, that the sentiments of the American Government were so different from what they were at first understood to be, I was not instructed to renew to you those proposals, nor to press upon your acceptance an arrangement which had been so recently declined, especially as the arrangement itself is become less important, and the terms of it less applicable to the state of things now existing.

These considerations, which were first intimated in Mr. Canning's official letter to Mr. Pinkney of the 23d September, 1808, and which, in the process of the following six months, acquired greater weight and influence, induced His Majesty, before the result of Mr. Erskine's negotiation was known, to modify the Orders in Council of November, 1807, by that of the 26th of April, 1809.

The effect of this new order is to relieve the system under which the former orders were issued from that which has always been represented in this country as the most objectionable and offensive part of it, the option given to neutrals to trade with the enemies of Great Britain, through British ports, on payment of a transit duty. This was originally devised and intended as a mitigation of what is certainly more correct but more rigid in principle—the total and unqualified interdiction of all trade with the enemy. If, however, this mitigation was felt as an aggravation, and, as has been sometimes warmly asserted, as an insult, that cause of complaint is now entirely removed. By the Order in Council of the 26th April, 1809, all trade with France and Holland, and the ports of Italy comprehended under the denomination of the Kingdom of Italy, is simply prohibited altogether. No option is afforded, and, consequently, no transit duty is required to be paid. In another respect, the Order in Council of the 26th April must be admitted to be more restrictive than those of November, 1807.

The trade with enemies' colonies, which was opened to neutrals at the commencement of the present war by the Order in Council of the 24th June, 1803, was continued to be left open by those of November, 1807. The Order in Council of the 26th April retracts this indulgence. But it is to be observed, that since the period when the Orders in Council of November, 1807, were issued the opening of the ports of Spain, of Portugal, of the south of Italy, and of Turkey, has afforded a more ample scope to neutral commerce; and that, by the capture of Martinique, in addition to that of almost all the colonies of the enemies of Great Britain, together with the blockade of Guadeloupe, the extent to which the liberty of commerce with enemies' colonies applied has been so far narrowed, that there is little of practical hardship in recurring to the rule, which, however occasionally mitigated in its application, Great Britain can never cease in principle to maintain. It is further to be observed, that the Order in Council of the 26th April has this operation, highly favorable to neutrals, that, restricting the regulations of blockade to France, Holland, and their colonies, and to the territories denominated the Kingdom of Italy, it lays open to the direct trade of neutrals the ports of the north of Europe. Under the order of the 26th of April, therefore, while there are on the one hand fewer points of difference to stand in the way of a satisfactory arrangement between Great Britain and the United States, it is possible that there may be less temptation to the latter to enter into such an arrangement, as the extent of their commerce

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may be, if they please, nearly as great under the Order in Council of the 26th April as it would be under any arrangement which should effect the indispensable objects to which that order applies, or as it would be even without any such order, so long as France and the Powers subservient to France continue to enforce their decrees. It is, in the same proportion, matter of indifference to Great Britain, whether the Order in Council be continued, or an arrangement by mutual consent substituted in its room.

Such, sir, are the grounds on which it has appeared to His Majesty to be unnecessary to command me to propose to the Government of the United States any formal agreement to be substituted for that which His Majesty has been under the necessity of disavowing; but I am directed to receive and discuss with you any proposal which you may be authorized to make to me on this head.

As no disposition has hitherto been shown on your part to make any such proposal, it has been impossible for me to state, by anticipation, (nor was I instructed so to do,) what might be the answer that I should eventually think it my duty to return to you; consequently, I could not have made, with that view, the statement contained in the fourth section of your letter, and the three subdivisions of it. Such a statement would have been obviously inconsistent with the former part of my overture, which you very correctly record in the third section, viz: that I was not instructed to make to you any proposal whatever upon this subject. I must necessarily reserve, until I hear from you what proposals it may be deemed proper to make on behalf of the United States, to state in how far they do or do not accord with the instructions which it has pleased His Majesty to give for my guidance in this negotiation.

I will only add, sir, in conclusion of this letter, that His Majesty is very sincerely desirous of maintaining a perfect and cordial understanding with the United States, and of bringing to a complete and satisfactory adjustment all the points of difference that have arisen between the two Governments; and that, agreeing, as I do with you, most heartily as to the interest which both nations have in fostering a mutual and solid friendship and cordiality, no zeal or exertions shall be wanting on my part to carry into effect His Majesty's commands for this most salutary purpose.

I have the honor to be, with great respect, sir, your most obedient, humble servant,

F. J. JACKSON.

Hon. ROBERT SMITH, &c.

Mr. Smith, Secretary of State, to Mr. Jackson.

DEPARTMENT OF STATE, Oct. 19, 1809.

SIR: I have had the honor of receiving your letter of the 11th instant.

Before I proceed to the more material topics which it embraces, it is proper that I should take some notice of your construction, which has unhappily converted an intimation of the expediency

of conducting in a written form our further discussions on this particular occasion into a general prohibition of all verbal communications whatever, and into an unprecedented violation of the most essential rights of a public Minister; requiring a formal protest and a resort to the commands of your Sovereign.

A recurrence to that intimation cannot fail to show that its sole object was to avoid, in the further discussions of a case of unusual delicacy and importance, the misconceptions well known to be incident to oral proceedings, and of which the diplomatic intercourse between the two Governments had furnished so many and such serious proofs; nay, of which your letter itself is an additional illustration. That a change in diplomatic discussions from an oral to a written form is not without precedent, I cannot refer to one which will be more satisfactory to you than the intimation recently given by Mr. Canning, in the case of the proposal by Mr. Pinkney, on the subject of the Orders in Council and the embargo, that the discussions, which had been previously verbal, must thenceforth take a written form. And, with this view, I take the liberty of recalling your attention to the subjoined extracts of letters [see 'A' and 'B'] that passed on that occasion.

On the present, as on that occasion, the change from verbal to written communications was requested after two conferences, and when the subject appeared to one of the parties to have, by those verbal discussions, been brought to a point which required a precise understanding of the views and propositions of the other.

You will, sir, hence perceive, that, in maintaining the right which every Government has as to the rules of intercourse with foreign functionaries near it, no encroachment has been made or intended on any right or customary privilege belonging to you in that character, nor anything done to impede the proper and usual course of negotiation.

You have been sufficiently apprized, by my letter of the 9th, of the light in which the President views the arrangement lately made by your predecessor with this Government, and of the grounds on which he has accepted a formal and satisfactory explanation of the reasons for the refusal of His Britannic Majesty to carry it into effect. He persists in that expectation, and in the opinion that there has been given no explanation that is adequate, either as to the matter or as to the mode.

When one Government has been solemnly pledged to another in a mutual engagement by its acknowledged and competent agent, and refuses to fulfil the pledge, it is perfectly clear that it owes it both to itself and to the other party to accompany its refusal with a formal and frank disclosure of sufficient reasons for a step which, without such reasons, must deeply injure its own character, as well as the rights of the party confiding in its good faith.

"To refuse, with honor," (says a high authority on public law,) "to ratify what has been con-

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cluded on by virtue of a full power, it is necessary that the Government should have strong and solid reasons, and that he show, in particular, that his Minister has violated his instructions."

Although it is particularly incumbent on the Sovereign, in such case, to show that his instructions have been violated, yet it is not a mere violation of them on immaterial points that will be sufficient. It is indispensably requisite, moreover, that the reasons be strong and solid; that they manifestly outweigh, not only the general obligation to abide by what has been so done, but also the disappointment and injury accruing to the other party. And it is worthy of notice, that the case under discussion is of a higher character, and appeals with greater solemnity to the honor and justice of the refusing party, than the case stated in *Vattel*, inasmuch as the transaction, now disavowed, was not a treaty or convention to be ratified by both parties, previous to an execution by either. It had, according to the terms of it, (and this peculiarity appears to have been contemplated by your Government,) been actually and immediately carried into execution on the part of the United States. The refusal of His Britannic Majesty is, therefore, not simply to ratify what had been ratified by the other party, but to carry into effect on his part an arrangement which had been carried into full effect, with good faith, on the part of the United States. Nay, the case is strengthened by the further peculiarity, that some of the circumstances attending the execution of the arrangement on the part of the United States render it unsusceptible of a full equivalent for the refusal to execute it on the other side.

It has not escaped observation, that the obligation of your Government to tender explanations on this occasion is admitted by your attempt to show that it has been sufficiently done in what passed in conversation between Mr. Canning and Mr. Pinkney, and by the instructions given to Mr. Erskine to communicate such explanations.

With every disposition to view in the most favorable light whatever may affect the relations between the two countries, it is impossible to mistake the conversations of those Ministers for a discharge of such a debt to the good faith and reasonable expectations of the United States. Besides, that they were mere conversations in a case requiring the precision and respect of a formal communication, it is certain that it was neither understood by Mr. Pinkney, nor intended by Mr. Canning, that those conversations were so to be regarded. Mr. Pinkney is explicit on this point. And Mr. Canning himself, after declining to recapitulate in writing what he had verbally remarked, signified to Mr. Pinkney, in a letter dated May 27, that his observations on the subject would be more properly made through the successor of Mr. Erskine, who was about to proceed to the United States.

With respect to the instructions on this point, given to Mr. Erskine, it might be sufficient to remark that they were never carried into execution; but it may be asked, whether it was a mark

of friendly respect to the United States to employ for such a purpose a Minister, from whom his Government had thought proper publicly to withdraw its confidence, and to the peculiar delicacy and embarrassment of whose situation you have yourself referred, as accounting for his not having executed the task imposed upon him.

I must here repeat, what was suggested in my former letter, that the successor of Mr. Erskine is the proper functionary for a proper explanation. Nor can I perceive the force of your remark, that the delay incident to your arrival in the United States rendered it more consistent with the friendly sentiments of His Majesty to prefer the other channels for communicating the motives for his disavowal. To your own reconsideration I appeal, whether the course most consonant to those friendly sentiments was not the obvious one of employing the new organ, guarding, at the same time, against any misconception of the delay, by apprizing the American Government, through its Minister, of the cause of it. The supposition that the delay incident to your mission gave rise to the conversation of Mr. Canning and Mr. Pinkney, is not reconcilable to the correspondence of the latter, which contains no such indication. On the contrary, it distinctly shows that he was apprized of the intention to replace Mr. Erskine by a successor, whom he regarded as the proper channel for the explanatory communications; that he understood Mr. Canning to be under the same impression; and that he learned from yourself, not more than two days after his conversations with Mr. Canning, that you were to sail for the United States within three weeks.

Although it may not have been your intention to have given to this subject a posture which it would not have naturally assumed, yet such has been the tendency of some of your remarks, and particularly of the conclusion you have drawn from the two circumstances; 1st. That no trace of complaint from this Government against the disavowal appears in the records of the British mission, or was distinctly announced by me in our conferences; and, 2d. That, from the official correspondence of Mr. Erskine with his Government, it appears that, although he did not communicate *in extenso* his original instructions, he submitted to me the three conditions therein specified, and received my observations on each.

If there be no trace of complaint against the disavowal in the archives of the mission, it is because this Government could not have entered such complaint before the reasons for the disavowal had been explained, and especially as the explanations were justly and confidently expected through the new functionary. And as to the supposed reserve on my part on this subject, in our several conferences, I did imagine that my repeated intimations to you of the necessity of satisfactory explanations, as to the disavowal, were sufficient indication of the dissatisfaction of this Government with respect to the disavowal itself.

The stress you have laid on what you have

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been pleased to state as the substitution of the terms finally agreed on for the terms first proposed, has excited no small degree of surprise. Certain it is that your predecessor did present for my consideration the three conditions which now appear on the printed document; that he was disposed to urge them more than the nature of two of them (both palpably inadmissible, and one more than merely inadmissible) could permit; and that, on finding his first proposals unsuccessful, the more reasonable terms comprised in the arrangement respecting the Orders in Council were adopted. And what, sir, is there in this to countenance the conclusion you have drawn in favor of the right of His Britannic Majesty to disavow the proceeding? Is anything more common in public negotiations than to begin with a higher demand, and, that failing, to descend to a lower? To have, if not two sets of instructions, two or more than two grades of propositions in the same set of instructions; to begin with what is the most desirable, and to end with what is found to be admissible, in case the more desirable should not be attainable? This must be obvious to every understanding, and it is confirmed by universal experience.

What were the real and entire instructions given to your predecessor is a question essentially between him and his Government. That he had, or at least that he believed he had, sufficient authority to conclude the arrangement, his formal assurances, during our discussions, were such as to leave no room for doubt. His subsequent letter, of the 15th of June, renewing his assurance to me "that the terms of the agreement, so happily concluded by the recent negotiation, will be strictly fulfilled on the part of His Majesty," is an evident indication of what his persuasion then was as to his instructions. And with a view to show what his impressions have been, even since the disavowal, I must take the liberty of referring you to the annexed extracts [see C] from his official letters of the 31st July, and of the 14th of August.

The declaration "that the despatch from Mr. Canning to Mr. Erskine, of the 23d January, is the only despatch by which the conditions were prescribed to Mr. Erskine for the conclusion of an arrangement on the matter to which it relates," is now for the first time made to this Government. And I need hardly add, that if that despatch had been communicated at the time of the arrangement, or if it had been known that the propositions contained in it, and which were at first presented by Mr. Erskine, were the only ones on which he was authorized to make an arrangement, the arrangement would not have been made.

As you have disclaimed any authority to offer explanations for the disavowal; as you have been willing to ascribe the want of such authority to the consideration that other channels had been preferred; and as you have even considered the circumstances under which the arrangement took place to be such as could only lead to a disavowal, and, therefore, as superseding the neces-

sity of any explanation whatever; it is to be regretted that you had not deemed it proper to render precise and explicit that part of your letter, which seems to imply that you had, in our conversations in relation to the affair of the Chesapeake, following the words of your instructions, held out not only the manner in which the reparation had been accepted, but even the form in which it had been tendered, as warranting His Majesty in even retracting the offer of reparation, and that you had elucidated the observation by a reference to the particular expressions which, at all events, put it totally out of his power to confirm any act containing them.

Whatever may have been your intention in this part of our conversation, or whatever may be the import of the passage to which I have just alluded, I have now the honor of signifying to you that I am authorized to receive in a proper form whatever explicit explanations you may choose to make with respect to the grounds of this part of the disavowal—and without inquiring whether your authority be derived from instructions that have been addressed to yourself, or that have devolved on you as the successor of the Minister, who had declined to execute them.

As you have at the same time been pleased to say that His Britannic Majesty had authorized you to renew the offer of satisfaction which Mr. Erskine was instructed to make, it was also naturally expected that you would in your letter have stated with precision in what that offer differed from the reparation solemnly tendered by Mr. Erskine, and accepted by the United States; and that you would have shown in what the reparation thus tendered differed from his instructions. And when I had the honor to intimate that, in order to avoid the misconceptions incident to oral proceedings, it was thought expedient that our further discussions on the present occasion should be in the written form, there was no part of the subject to which that intimation implied with more force than the case of the Chesapeake; none on which it was more desirable to avoid misconceptions, and to obtain a precise knowledge of the propositions which you were authorized to make; not only because I did not really understand the particulars of the offer as distinctly as you seem to have supposed, but also because, on that point, and on that alone, you had expressly stated that you had propositions to make, and that you were authorized to carry them into immediate execution.

On the subject of the Orders in Council, the President perceives, with sentiments of deep regret, that your instructions contemplate neither an explanation of the refusal of your Government to fulfil the arrangement of that branch of the existing differences, nor the substitution of any other plan of adjustment, nor any authority to conclude any agreement on that subject, but merely to receive and discuss proposals that might be made to you on the part of the United States; and these, it appears, must include a stipulation on the part of the United States to relinquish the trade with the enemies' colonies, even in branches not hith-

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erto interrupted by British orders for capture, and also a sanction to the enforcing of an act of Congress by the British navy.

Were the way properly opened for formal propositions from this Government, a known determination on the part of His Britannic Majesty to adhere to such extraordinary pretensions, would preclude the hope of success in such advances, whether regard be had to the conditions themselves, or to the disposition they indicate in return for the conciliatory temper which has been evinced by the United States.

As to the demand in relation to the colonial trade, it has been the less apprehended, as it is not in itself connected, nor has it ever before been brought into connexion, either with the case of the Orders in Council, or with that of the Chesapeake. And it was reasonably to be presumed, if the idea of such a condition had in the first instance proceeded from the erroneous belief that it was not objectionable to the United States, that it would not have been persisted in after that error had been ascertained and acknowledged.

The other demand could still less have been apprehended. Besides the inevitable and incalculable abuses incident to such a license to foreign cruisers, the stipulation would touch one of those vital principles of sovereignty which no nation ought to have been expected to impair; for, where would be the difference in principle between authorizing a foreign Government to execute, and authorizing it to make laws for us? Nor ought it to be supposed that the sanctions and precautions of a law of the United States, in the cases of the prohibited trade in question, would prove inefficacious for its purposes.

Had none of these obstacles presented themselves to the course corresponding with the sentiments and dispositions of the President, I should have felt great pleasure in giving you formal assurances of his readiness to execute the conditional authority with which he is invested for restoring, in its full extent, as far as it may depend upon the United States, the commercial intercourse of the two countries: and that he would, moreover, be disposed to extend the experiment of a friendly negotiation to every point of difference and of mutual interest between them. If, indeed, in the event of a successful termination of what relates to the case of the Chesapeake, it be thought that a removal of the difficulties arising from the Orders in Council might be facilitated by comprehending them in a general negotiation, and the operation of the orders can in the meantime be suspended, the door might be considered as immediately open to that course of proceeding.

To such a suspension no reasonable objection can be made, if, as you have stated, the Orders in Council, as now modified, leave the trade of the United States nearly as great as it would be without the existence of such orders, so long as France and the other Powers shall continue their decrees; and inasmuch as a discontinuance of their decrees, by those Powers, confessedly requires an immediate and entire revocation of the Orders in Council.

That a suspension of the orders, with a view of their being brought into a general negotiation, is more reasonable than a temporary submission to their authority by the United States, with that view, is obvious from the reflection, that such a submission would necessarily involve a relinquishment of the principle which they have steadfastly asserted; whereas, a discontinuance of the Orders in Council, in the present actual state of things, would not be incompatible with the principle on which they were originally founded.

This principle was, as you well know, the necessity of retaliating, through neutrals, injuries received through a violation of their rights by another belligerent. In the actual state of things, and under the actual modification of the Orders in Council produced by it, it is admitted by you that the orders have no practical effect in abridging the commerce of neutrals, and can of course have no retaliating effect on the other belligerents.

Although it cannot be allowed to be true that the Orders in Council are no longer injurious to the commerce of the United States, it is certainly true that they produce no degree of injury to the enemies of Great Britain that can countenance the retaliating plea alleged in support of them.

What, permit me to ask, is the degree of injury actually accruing to the enemies of Great Britain from her retaliating orders? According to those orders, as now modified, and more especially taking into view along with them the prohibitory law of this country in relation to France, the essential difference between their repeal and their existence consists in this: that, in the case of their repeal, as pledged by the arrangement of April, the trade of the United States might be carried on directly with the ports of Holland; while during their existence, as at present, it is to be carried on through the contiguous and neighboring ports.

To your own calculations, sir, I submit, whether the inconsiderable effect of this circuit on the prices in Holland, and in the countries supplied through her, can any longer sustain the plea of inflicting distress on an enemy, or palliate the injuries done to a friend by a proceeding so contrary to his sentiments of justice, and which subjects his regular commerce not only to inconvenient channels, but to all the abuses which may result from the suspicions, real or pretended, of interested cruisers. You cannot but be sensible that a perseverance, under such circumstances, in a system which cannot be explained by its avowed object, would force an explanation by some object not avowed. What object might be considered as best explaining it, is an inquiry into which I do not permit myself to enter, further than to remark that, in relation to the United States, it must be an illegitimate object.

It remains to make a few observations, which are due to the just interests of the United States, and which are invited by yours relating to the Order in Council of May last.

You seem to consider that measure as comprising the utmost precaution that was in the power of His Britannic Majesty to take, for preventing

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losses, from his disavowal of the engagement of your predecessor to citizens of the United States who had resumed their commercial pursuits on the faith of that act.

Without entering into a full view of the inadequacy of the order in that respect, I take the liberty of pointing out the following instances in which it falls essentially short of its declared intention:

1. The order does not provide for the important case of vessels returning with cargoes from the ports of Holland.

2. The exemption from interruption of vessels bound from the United States to Holland was restricted by that order to such as should have departed prior to the 20th July: at which date it is not certain that the order, which was not officially communicated until the 31st of that month, had even reached any one point of the United States. So that some vessels may have sailed between the limited date and the arrival of the order in the United States; and many from distant ports must have done so after its arrival, but before a knowledge of it had become general—all proceeding on the faith of the arrangement, yet all left by the order exposed to capture and condemnation.

3. The order does not provide for the important case of vessels which had sailed on the like faith for Dutch ports, other than those of Holland.

4. It does not include in its provisions the extensive list of vessels going indirectly from the United States, but directly from foreign ports to those of Holland, nor vessels trading entirely from foreign ports to Holland; and, in both these instances, proceeding on the faith of the arrangement professed to be respected within the defined period.

It is true, that in these last instances, the vessels were not to be captured without an attempt, after contrary warning, to proceed to those ports. But, I need not remind you that the injuries incident to the delay and to the breaking up of such voyages cannot but have been considerable, and will have resulted as manifestly from the disappointed faith in the arrangement, as in the cases specially provided for; and, consequently, with all other losses fairly resulting from the same *bona fide* confidence in that act, they will fall within the just indemnification for which the principle assumed in the order is a formal pledge.

I conclude, sir, with pressing on your candid attention that the least which the President could have looked for in consequence of the disavowal of a transaction such as was concluded by your predecessor, and carried faithfully into effect by this Government, was an explanation from yours of the disavowal, not through the Minister disavowed, but through his successor—an explanation founded on reasons strong and solid in themselves, and presented neither verbally nor vaguely, but in a form comporting with the occasion and with the respect due to the character and the good faith of the disappointed party; that it has been found, with much concern, and with not less surprise, that you are charged with no such expla-

nations; that you have apparently wished to bring the subjects, which have been formally and definitively arranged, into fresh negotiation, as if no such arrangement had taken place; that one of the cases thus slighted, viz: that of the frigate *Chesapeake*, is a case for which reparation, not denied to be due, had been previously so long withheld, or rather in which the aggression itself has been spun out to the present moment by the continued detention of the mariners, whose seizure (making a part of the hostility committed against the American frigate) must be regarded in a light analogous to a continued detention of the ship itself; that, in the other case, viz: that of the *Orders in Council*, you are not authorized to tender explanations for the disavowal, or to propose any new arrangement, or to conclude any agreement, but solely to receive and discuss proposals which might be made to you: not concealing, at the same time, that, to be satisfactory, they must include two conditions—both inadmissible—one altogether irrelevant to the subject, and the other requiring nothing less than a surrender of an unalienable function of the national sovereignty.

Notwithstanding these repulsive considerations, such is the disposition of the President to facilitate a final and comprehensive accommodation between the two nations, that he is ready, as I have already had the honor of signifying to you, to favor any mode of bringing about so happy an event that may be found consistent with the honor and the essential interest of the United States.

I have the honor to be, &c.

R. SMITH.

HON. F. J. JACKSON, &c.

A.—Extract of a letter from Mr. Pinkney to Mr. Canning, dated

LONDON, October 10, 1808.

At our first interview (on the 29th of June) verbal communication was not discountenanced, but commended; for, after I had made myself understood as to the purpose for which the interview had been requested, you asked if I thought of taking a more formal course, but immediately added that you presumed I did not; for, that the course I had adopted was well suited to the occasion. My reply was, in substance, that the freedom of conversation was better adapted to our subject, and more likely to conduct us to an advantageous conclusion, than the constraint and formality of written intercourse; and that I had not intended to present a note.

At the second interview, (on the 22d of July,) it did not occur to me that I had any reason to conclude, and certainly I did not conclude, that verbal communication had not continued to be acceptable, as a preparatory course; and it was not until the third interview (on the 29th July) that it was rejected as inadmissible.

B.—Extract.—Mr. Canning to Mr. Pinkney, dated
NOVEMBER 22, 1808.

It is highly probable that I did not (as you say I did not) assign to you, as the motive of the wish

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which I then expressed, my persuasion that written communications are less liable to mistake than verbal ones, because that consideration is sufficiently obvious, and because the whole course and practice of office is, in that respect, so established and invariable, that I really could not have supposed the assignment of any specific motive to be necessary to account for my requiring a written statement of your proposals previous to my returning an official answer to them.

I had taken for granted all along that such would and such must be the ultimate proceeding on your part, however you might wish to prepare the way for it by preliminary conversations.

C.—Extract of a letter from Mr. Erskine to Mr. Smith, dated

WASHINGTON, July, 31, 1809.

Neither the present time nor the occasion will afford me a favorable opportunity for explaining to you the grounds and reasons upon which I conceived I had conformed to His Majesty's wishes, and to the spirit, at least, of my instructions upon the subject; nor indeed would any vindication of my conduct (whatever I may have to offer) be of any importance, further than as it might tend to show that no intention existed on my part to practise any deception towards the Government of the United States.

From the same to the same, dated

AUGUST 14, 1809.

Under these circumstances, therefore, finding that I could not obtain the recognitions specified in Mr. Canning's despatch of the 23d of January, (which formed but one part of his instructions to me,) in the formal manner required, I considered that it would be in vain to lay before the Government of the United States the despatch in question, which I was at liberty to have done *in extenso*, had I thought proper. But as I had such strong grounds for believing that the object of His Majesty's Government could be attained, though in a different manner, and the spirit, at least, of my several letters of instructions be fully complied with, I felt a thorough conviction upon my mind that I should be acting in conformity with His Majesty's wishes; and accordingly concluded the late provisional agreement, on His Majesty's behalf, with the Government of the United States.

The disavowal by His Majesty is a painful proof to me that I had formed an erroneous judgment of His Majesty's views and the intention of my instructions; and I have most severely to lament that an act of mine, though unintentionally, should produce any embarrassment in the relations between the two countries.

No. 9.

Mr. Jackson to the Secretary of State.

WASHINGTON, October 23, 1809.

SIR: The letter which you did me the honor to address to me on the 19th instant was delivered

to me on the following day. I shall, without loss of time, transmit it to my Court, where the various and important considerations which it embraces will receive the attention due to them. In the interval I would beg leave to submit to you the following observations, as they arise out of the communications that have already occurred between us.

In fulfilling a duty which I conceive to be due to my public character, I have never suggested, nor meant to suggest, that the mode of negotiating prescribed by you on this particular occasion—an occasion selected for the purpose of removing existing differences—was otherwise objectionable, than as it appeared to me to be less calculated, than it does to you, to answer the professed purpose of our negotiation.

It was against the general principle, of debarring a foreign Minister, in the short space of one week after his arrival, and without any previous misunderstanding with him, from all personal intercourse, that I thought it right to protest. Since, however, I find by your letter that it is not intended to apply that principle to me, I will only observe that, in the case which you mention to have occurred between Mr. Canning and Mr. Pinkney, the conferences were held under an expectation, at least on the part of the former, of their leading to a written communication; whereas, in ours, I, from the beginning, stated that I had no such communication to make. There is also this essential difference between the two cases; that Mr. Pinkney was charged to convey an important proposal to His Majesty's Government, the particulars of which it might be very material to have correctly stated, whilst the object of that part of my conversation, to which you seem to attach the most importance, was to say that I was not charged to make any proposal whatever.

It could not enter into my view to withhold from you an explanation, merely because it had been already given, but because, having been so given, I could not imagine, until informed by you, that a repetition of it would be required at my hands. I am quite certain that His Majesty's Government, having complied with what was considered to be the substantial duty imposed upon it on this occasion, would, had this been foreseen, have added to the proofs of conciliatory good faith already manifested, the further complacency to the wishes of the United States, of adopting the form of communication most agreeable to them, and of giving, through me, the explanation in question. I have, therefore, no hesitation in informing you that His Majesty was pleased to disavow the agreement concluded between you and Mr. Erskine, because it was concluded in violation of that gentleman's instructions, and altogether without authority to subscribe to the terms of it. These instructions, I now understand by your letter, as well as from the obvious deduction which I took the liberty of making in mine of the 11th instant, were, at the time, in substance, made known to you; no stronger illustration, therefore, can be given of

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the deviation from them which occurred, than by a reference to the terms of your agreement.

Nothing can be more notorious than the frequency with which, in the course of a complicated negotiation, ministers are furnished with a gradation of conditions, on which they may be successively authorized to conclude. So common is the case which you put hypothetically, that, in acceding to the justice of your statement, I feel myself impelled to make only one observation upon it, which is, that it does not strike me as bearing upon the consideration of the unauthorized agreement concluded here, inasmuch as, in point of fact, Mr. Erskine had no such graduated instruction. You are already acquainted with that which was given, and I have had the honor of informing you that it was the only one by which the conditions on which he was to conclude were prescribed. So far from the terms which he was actually induced to accept having been contemplated in that instruction, he himself states that they were substituted by you in lieu of those originally proposed.

It may, perhaps, be satisfactory that I should say here that I most willingly subscribe, on this occasion, to the highly respectable authority which you have quoted, and I join issue with you upon the essentials which that authority requires to constitute a right to disavow the act of a public Minister.

It is not immaterial to observe on the qualification contained in the passage you have quoted, as it implies the case of a Minister concluding in virtue of a full power; to this it would suffice to answer that Mr. Erskine had no full power; and his act, consequently, does not come within the range of your quotation, although it cannot be forgotten that the United States have, at no very distant period, most freely exercised the right of withholding their ratification from even the authorized act of their own diplomatic agents, done under the avowed sanction of a full power.

I conceive that what has been already said establishes, beyond the reach of doubt or controversy, that His Majesty's Minister did violate his instructions, and the consequent right in His Majesty to disavow an act so concluded. That His Majesty had strong and solid reasons for so doing will appear, not only from his instructions having been violated, but from the circumstance that the violation of them involved the sacrifice of a great system of policy, deliberately adopted and acted upon in just and necessary retaliation of the unprecedented modes of hostility resorted to by his enemy.

There appears to have prevailed, throughout the whole of this transaction, a fundamental mistake, which would suggest that His Majesty had proposed to propitiate the Government of the United States, in order to induce it to consent to the renewal of the commercial intercourse between the two countries; as if such had been the relations between Great Britain and America, that the advantages of that intercourse were wholly on the side of the former, and as if, in any arrangement, whether commercial or politi-

cal, His Majesty could condescend to barter objects of national policy and dignity for permission to trade with another country.

Without minutely calculating what may be the degree of pressure felt at Paris by the difference in the price of goods whether landed at Havre or at Hamburg, I will, in my turn, appeal to your judgment, sir, whether it be not a strong and solid reason, worthy to guide the councils of a great and powerful monarch, to set bounds to that spirit of encroachment and universal dominion which would bend all things to its own standard? Is it nothing, in the present state of the world, when the agents of France authoritatively announce to their victims "that Europe is submitting and surrendering by degrees," that the world should know that there is a nation which, by that divine goodness, so strongly appealed to in the paper to which I allude,* is enabled to falsify the assertion? Is it not important, at such a moment, that Europe and America should be convinced that, from whatever country honorable and manly resistance to such a spirit may have been banished, it will still be found in the Sovereign of the British nation and in the hearts of his subjects?

As to the precautions taken in England to insure from injury, upon this occasion, the citizens of the United States, and which appear to you to be even yet insufficient, I am confident that, in every doubtful case, the usual liberality of our tribunals will be exercised in determining upon the circumstances of it; and it was at Mr. Pinkney's express requisition that additional instructions were given to the commanders of His Majesty's ships of war and privateers to extend to vessels, trading to the colonies, plantations, and settlements of Holland, the same exemption from capture and molestation as was granted to vessels sailing for any of the ports of Holland.

On the subject of return cargoes from those ports, I must observe, that, although it was intended to prevent, as far as was practicable, the inconveniences likely to be created by the unauthorized agreement made here in April last, yet it was not and could not be intended to obviate all possible inconveniences, even such as might have arisen if no such agreement had ever been made.

If an American vessel had sailed from America for Holland in time of profound peace, or in time of war, the ports of Holland not being at the date of sailing under blockade, it might yet have happened that, in the period between the commencement of such voyage and the arrival of the vessel at the port of destination, a blockade might have been established before that port. The vessel arriving would, in that case, have been warned not to enter the port, and would have been turned away with the loss of the whole object of the voyage. This would be no extraordinary hardship, and would afford no legitimate ground of complaint.

The Order in Council is far less strict than

* Augereau's proclamation to the Catalonians.

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such a blockade would be, forasmuch as it provides for the original voyage, commenced in expectation of being admitted to the port of destination, by permitting the entry into the ports of Holland; and it is no just ground of complaint that it does not superadd to that permission the liberty to re-export a cargo of the enemy's goods or produce.

I beg leave briefly to recapitulate the substance of what I have had the honor to convey to you, as well in verbal, as in written communications.

I have informed you of the reasons of His Majesty's disavowal of the agreement so often mentioned; I have shown them, in obedience to the authority which you have quoted, to be both strong and solid, and such as to outweigh, in the judgment of His Majesty's Government, every other consideration which you have contemplated; I have shown that that agreement was not concluded in virtue of a full power, and that the instructions given on the occasion were violated.

Beyond this point of explanation, which was supposed to have been attained, but which is now given, by the present letter, in the form understood to be most agreeable to the American Government, my instructions are prospective; they look to substituting for notions of good understanding, erroneously entertained, practical stipulations on which a real reconciliation of all differences may be substantially founded; and they authorize me not to renew proposals which have already been declared here to be unacceptable, but to receive and discuss any proposal made on the part of the United States, and eventually to conclude a convention between the two countries. It is not, of course, intended to call upon me to state as a preliminary to negotiation what is the whole extent of these instructions; they must, as I have before said, remain subject to my own discretion, until I am enabled to apply them to the overtures which I may have the honor of receiving from you.

I have the honor to be, with great respect, sir, your most obedient servant.

F. J. JACKSON.

No. 10.

Mr. Jackson to the Secretary of State.

WASHINGTON, *October 27, 1809.*

SIR: Finding by your letter of the 19th instant, that, notwithstanding the frequent statements made by me, in our conferences, of the terms of satisfaction which I am empowered to offer to this country for the unauthorized attack made by one of His Majesty's ships of war upon the frigate of the United States, the Chesapeake, I have not had the good fortune to make myself distinctly understood by you, I have the honor to enclose herewith a paper of memoranda, containing the conditions, on the basis of which I am ready to proceed to draw up with you the necessary official documents in the form proposed in my letter of the 11th instant, or in any other form upon which we may hereafter agree.

I have the honor to be, with great respect, sir, your most obedient, humble servant.

F. J. JACKSON.

HON. ROBERT SMITH, &c.

[Enclosed in Mr. Jackson's letter of Oct. 27, 1809.]

The President's proclamation of July, 1807, prohibiting to British ships of war the entrance into the harbors of the United States, having been annulled, His Majesty is willing to restore the seamen taken out of the Chesapeake, on reserving to himself a right to claim in a regular way, by application to the American Government, the discharge of such of them (if any) as shall be proved to be either natural born subjects of His Majesty, or deserters from His Majesty's service.

His Majesty is willing to make a provision for the families of such men as were slain on board the Chesapeake, in consequence of the unauthorized attack upon that frigate, provided that such bounty shall not be extended to the family of any man who shall have been either a natural born subject of His Majesty, or a deserter from His Majesty's service.

No. 11.

Mr. Smith to Mr. Jackson.

DEPARTMENT OF STATE, *Nov. 1, 1809.*

SIR: Your letter of the 23d ultimo, which was duly received, would have been sooner acknowledged, had I not by sickness been rendered for several days utterly unfit for business.

Although the delay and the apparent reluctance in specifying the grounds of the disavowal of the arrangement, with respect to the Orders in Council, do not correspond with the course of proceeding deemed most becoming the occasion; yet, as the explanation has at length been thus made, it only remains, as to that part of the disavowed arrangement, to regret that such considerations should have been allowed to outweigh the solid objections to the disavowal; it being understood, at the same time, that His Britannic Majesty perseveres in requiring, as indispensable conditions on the part of the United States, an entire relinquishment of the right to trade with enemy's colonies, and also a permission to the British navy to aid in executing a law of Congress—pretensions which cannot but render abortive all proposals whatever upon this subject, whether made by the United States or by His Britannic Majesty.

Whilst you have deemed it proper to offer an explanation with respect to the disavowal of one part of the arrangement, I must remind you that there is not to be found in your letter any like specification of the reasons for the disavowal, nor particularly is it shown that the instructions were violated, as to the other part, viz., the case of the Chesapeake; the case in which, in an especial manner, an explanation was required, and in which only you professed to have authority to make to this Government any overtures.

For the first time it is now disclosed that the

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subjects arranged with this Government by your predecessor are held to be not within the authority of a Minister Plenipotentiary, and that not having had a "full power distinct from that authority, his transactions on those subjects might, of right, be disavowed by his Government." This disclosure, so contrary to every antecedent supposition and just inference, gives a new aspect to this business. If the authority of your predecessor did not embrace the subjects in question, so as to bind his Government, it necessarily follows, that the only credentials yet presented by you, being the same with those presented by him, give you no authority to bind it; and that the exhibition of a "full power" for that purpose, such as you doubtless are furnished with, is become an indispensable preliminary to further negotiation; or, to speak more strictly, was required, in the first instance, by the view of the matter now disclosed by you. Negotiation, without this preliminary, would not only be a departure from the principle of equality, which is the essential basis of it, but would, moreover, be a disregard of the precautions and of the self-respect enjoined on the attention of the United States by the circumstances which have hitherto taken place.

I need scarcely add, that in the full power alluded to, as a preliminary to negotiation, is not intended to be included either the whole extent or any part of your instructions for the exercise of it. These, of course, as you have justly remarked, remain subject to your own discretion.

I abstain, sir, from making any particular animadversions on several irrelevant and improper allusions in your letter, not at all comporting with the professed disposition to adjust, in an amicable manner, the differences unhappily subsisting between the two countries. But it would be improper to conclude the few observations, to which I purposely limit myself, without advertising to your repetition of a language implying a knowledge, on the part of this Government, that the instructions of your predecessor did not authorize the arrangement formed by him. After the explicit and peremptory asseveration that this Government had no such knowledge, and that with such a knowledge no such arrangement would have been entered into, the view which you have again presented of the subject, makes it my duty to apprise you that such insinuations are inadmissible in the intercourse of a foreign Minister with a Government that understands what it owes to itself. I have the honor, &c.

R. SMITH.

Hon. F. J. JACKSON, &c.

No. 12.

Mr. Jackson to the Secretary of State.

WASHINGTON, November 4, 1809.

SIR: When I forwarded to my Court your letter of the 19th ultimo, and the answer which I returned to it, I imagined, and I may add I hoped, that the retrospective correspondence, into which you thought it necessary to enter with me, had

been closed. You will, no doubt, recollect with what reluctance I acquiesced in your intimation on this head; not, as I believe has been seen, from any difficulty in maintaining the justice of the cause which is entrusted to me, but because I was and still am of opinion that this sort of correspondence is not calculated to remove differences and soothe irritations of the most unfortunate tendency. As, however, I had no choice but to renounce, for the present, the hope of effectuating this desirable object, or to pursue it in the manner prescribed in your letter of the 9th ultimo, so I am now unwillingly compelled to enter upon the consideration of another letter from you, under date of the 1st instant, which but too strongly confirms the opinion I before entertained.

Since, sir, it has been judged expedient to confine to a written form this important and interesting discussion; since that mode has been declared by you to be indispensable, I will first appeal to the written communications which have passed between us; and I do this with the greater satisfaction, because I consider it to be the chief cause of the present remarkable state of things, that in speaking of engagements contracted or supposed to have been contracted between the two countries, understandings or implied engagements have been allowed to take place of written compacts, and have been considered, in some instances, as having the same validity. It is, furthermore, necessary to place in the most unequivocal light a topic, which I observe to be constantly and prominently restated in your letters, notwithstanding the repeated, but, as it should seem, fruitless endeavors used in mine to clear it from the slightest shadow of obscurity.

You say, "that it is understood that His Britannic Majesty perseveres in requiring, as indispensable conditions on the part of the United States, an entire relinquishment of the right to trade with the enemy's colonies, and also a permission to the British navy to aid in executing a law of Congress."

This same statement is contained in your letter of the 9th ultimo, and represented as the substance of what had fallen from me in our previous conferences. In my answer to that letter, I took the liberty of showing that such a supposition was erroneous, and I have looked in vain to my letter of the 23d to find in it any suggestion of a similar tenor. I believe, therefore, that, by reference to my two letters, you will find that the statement now again brought forward is contained in neither of them; that it made no part of my previous conversations with you; and that I have in no way given room to suppose that I ever made any such statement at all.

That before the Orders in Council can be revoked their object must be obtained in some other way, is unquestionably true; but you may be assured, sir, that there is no wish whatever entertained in England that the British navy should be employed in executing a law of Congress. If the proposal that was made upon that subject,

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and made, as you now know, because it was believed to be acceptable here, had been adopted, and had become a matter of compact between the two countries, and thereby a part, not of the law of Congress, but of the public law binding upon both parties, and which both would have had a common interest in seeing duly executed; in that case, the agency of the British navy would not have had the invidious aspect which is now attempted to be given to it. At present there is no engagement between the two countries, no laws of Congress which bear a reference to any such engagement, and, consequently, it cannot be wished to take any share whatever in the execution of those laws.

In regard to the colonial trade, I need only observe, that all or nearly all the enemy's colonies are blockaded by British squadrons; it cannot, therefore, be so much an object of solicitude as you imagine to obtain the relinquishment of the trade of any country to those colonies. On the contrary, you will find it stated in my letter of the 11th ultimo to be a "matter of indifference whether the Order in Council" (on this subject) "be continued, or an arrangement, by mutual consent, substituted in its room."

When I informed you that the agreement concluded here in April last had been framed in deviation from the instructions given for the occasion, my explanation was intended to apply to both parts of that agreement; that nothing, required by the most scrupulous accuracy, may be wanting, I now add, that the deviation consisted in not recording, in the official document signed here, the abrogation of the President's proclamation of the 2d July, 1807, as well as the two reserves specified in the paper of memoranda enclosed in my official letter to you of the 27th ultimo.

There is another motive for the disavowal of this part of the arrangement, considered to be so strong and so self-evident, upon the very face of the transaction, that I am not commanded to do more than indicate it in the manner I have already done. By this forbearance His Majesty conceives that he is giving an additional pledge of his sincere disposition to maintain a good understanding with the United States.

I am somewhat at a loss to give a distinct reply to that part of your letter which relates to Mr. Erskine's authority to conclude with you in virtue of his general letter of credence, because I do not very distinctly understand the tendency of it. I never before heard it doubted that a full power was requisite to enable a Minister to conclude a treaty, or that a mere general letter of credence was insufficient for that purpose.

If it were otherwise, and a Government were in all cases to be bound by the act, however unauthorized, of an accredited Minister, there would be no safety in the appointment of such a Minister, and ratifications would be useless. No full power was given in the present case, because it was not a treaty, but the materials for forming a treaty, that was in contemplation.

In his despatch of the 23d January, Mr. Secre-

tary Canning distinctly says to Mr. Erskine: "Upon receiving through you, on the part of the American Government, a distinct and official recognition of the three above-mentioned conditions, His Majesty will lose no time in sending to America a Minister fully empowered to consign them to a formal and regular treaty."

This Minister would, of course, have been provided with a full power; but Mr. Erskine was to be guided by his instructions, and, had the agreement concluded here been conformable to them, it would without doubt have been ratified by His Majesty. I must beg your very particular attention to the circumstance that His Majesty's ratification has been withheld, not because the agreement was concluded without a full power, but because it was altogether irreconcilable to the instructions on which it was professedly founded. The question of the full power was introduced by yourself to give weight, by a quotation from a highly respected author, to your complaint of the disavowal; in answer to which I observed, that the quotation did not apply, as Mr. Erskine had no full power. Never did I imagine, or any where attempt, to rest the right of disavowal upon that circumstance: indubitably his agreement would, nevertheless, have been ratified, had not the instructions, which in this case took the place of a full power, been violated.

I am surprised at the transition, by which it appears to you that this part of the subject is connected with the authority empowering me to negotiate with you. It will not, I dare say, have escaped your recollection, that I informed you, at a very early period of our communications, that in addition to the usual credential letter, His Majesty had been pleased to invest me with a full power under the great seal of his Kingdom, for the express purpose of concluding a treaty or convention. I well remember your testifying your satisfaction at the circumstance; and I have only now to add, that I am ready, whenever it suits your convenience, to exchange my full power against that with which you shall be provided for the progress of our negotiation.

I am concerned, sir, to be obliged a second time to appeal to those principles of public law, under the sanction and protection of which I was sent to this country. Where there is not freedom of communication in the form substituted for the more usual one of verbal discussion, there can be little useful intercourse between Ministers; and one, at least, of the epithets which you have thought proper to apply to my last letter is such as necessarily abridges that freedom. That any thing therein contained may be irrelevant to the subject, it is, of course, competent in you to endeavor to show; and as far as you succeed in so doing, in so far will my argument lose of its validity; but, as to the propriety of my allusions, you must allow me to acknowledge only the decision of my own Sovereign, whose commands I obey, and to whom alone I can consider myself responsible. Beyond this, it suffices that I do not deviate from the respect due to the Government to which I am accredited.

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You will find that, in my correspondence with you, I have carefully avoided drawing conclusions that did not necessarily follow from the premises advanced by me, and least of all should I think of uttering an insinuation, where I was unable to substantiate a fact. To facts, such as I have become acquainted with them, I have scrupulously adhered, and in so doing I must continue, whenever the good faith of His Majesty's Government is called in question, to vindicate its honor and dignity, in the manner that appears to me best calculated for that purpose.

I have &c., F. J. JACKSON.

No. 13.

The Secretary of State to Mr. Jackson.

DEPARTMENT OF STATE, Nov. 8, 1809.

SIR: In my letter of the 19th ultimo, I stated to you that the declaration in your letter of the 11th, that the despatch from Mr. Canning to Mr. Erskine of the 23d January was the only despatch by which the conditions were prescribed to Mr. Erskine, for the conclusion of an arrangement on the matter to which it related, was then, for the first time, made to this Government. And it was added that, if that despatch had been communicated at the time of the arrangement, or if it had been known that the propositions contained in it were the only ones on which he was authorized to make an arrangement, the arrangement would not have been made.

In my letter of the 1st instant, adverting to the repetition in your letter of the 23d ultimo, of a language implying a knowledge in this Government that the instructions of your predecessor did not authorize the arrangement formed by him, an intimation was distinctly given to you that, after the explicit and peremptory asseveration that this Government had not any such knowledge, and that with such a knowledge such an arrangement would not have been made, no such insinuation could be admitted by this Government.

Finding that, in your reply of the 4th instant, you have used a language which cannot be understood but as reiterating and even aggravating the same gross insinuation, it only remains, in order to preclude opportunities which are thus abused, to inform you that no further communications will be received from you, and that the necessity of this determination will, without delay, be made known to your Government. In the meantime, a ready attention will be given to any communications affecting the interests of the two nations, through any other channel that may be substituted. I have the honor to be, &c.

No. 14.

Mr. Oakley, the British Secretary of Legation, to the Secretary of State.

Mr. Oakley, His Majesty's Secretary of Legation, is desired by Mr. Jackson to state to the Secretary of State, that as Mr. Jackson has been already once most grossly insulted by the inhabitants of the town of Hampton, in the unprovoked language of abuse held by them to several officers

bearing the King's uniform, when those officers were themselves violently assaulted and put in imminent danger, he conceives it to be indispensable to the safety of himself, to the gentlemen attached to his mission, and of his family, during the remainder of their stay in the United States, to be provided with special passports or safeguards from the American Government. This is the more necessary, since some of the newspapers of the United States are daily using language whose only tendency can be to excite the people to commit violence on Mr. Jackson's person. In consequence, he requests that the undermentioned names may be inserted in the documents to be furnished him:

Francis James Jackson; Mrs. Jackson; their three children; Charles Oakley, Esq., His Majesty's Secretary of Legation; Mr. George Outley Private Secretary.

Servants.—Robert Clavering, Francis Martin, William Attre, Charles Beecroft, Richard Lowe, John Price, John Lilly, James Wright, Amelia George, Mary Smith, Harriet Patten, Martha Wood, Frances Blackwell.

[This note was received at the Department of State on the 11th November.]

No. 15.

Mr. Oakley to the Secretary of State.

WASHINGTON, Nov. 13, 1809.

Mr. Oakley is desired by Mr. Jackson to say to the Secretary of State:

That Mr. Jackson has seen, with much regret, that facts, which it has been his duty to state in his official correspondence, have been deemed by the American Government to afford a sufficient motive for breaking off an important negotiation, and for putting an end to all communication whatever with the Minister charged by his Sovereign with that negotiation so interesting to both nations, and on one point of which an answer has not even been returned to an official and written overture.

One of the facts alluded to has been admitted by the Secretary of State himself, in his letter of the 19th October, viz: That the three conditions forming the substance of Mr. Erskine's original instructions, were submitted to him by that gentleman. The other, viz: that that instruction is the only one in which the conditions were prescribed to Mr. Erskine, for the conclusion of an arrangement on the matter to which it related, is known to Mr. Jackson by the instructions which he has himself received.

In stating these facts, and in adhering to them, as his duty imperiously enjoined him to do, Mr. Jackson could not imagine that offence would be taken at it by the American Government, as most certainly none could be intended on his part; but, since he has been informed by the Secretary of State that no further communications will be received from him, he conceives that he has no alternative, that is consistent with what is due to the King's dignity, but to withdraw altogether from the seat of the American Government, and

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wait the arrival of His Majesty's commands upon the unlooked for turn which has thus been given to his affairs in this country.

Mr. Jackson means to make New York the place of his residence.

No. 16.

The Secretary of State to Mr. Pinkney.

DEPARTMENT OF STATE, Nov. 23, 1809.

SIR: My letters in the correspondence with Mr. Jackson, already transmitted to you, sufficiently evince the disappointment that was felt on finding that he had not been charged to make to this Government either the frank explanations or the liberal propositions which the occasion manifestly required. Instead of this obvious course of proceeding, it was in the outset perceived that his object was to bring us to resume the subjects of the arrangement of April, in a way that would imply that we were aware that the arrangement was not binding on his Government, because made with a knowledge, on our part, that Mr. Erskine had no authority to make it; and thus to convert the responsibility of his Government for the disavowal, into a reproach on this for its conduct in the transaction disavowed.

In the first instance, it was deemed best rather to repel his observations argumentatively, than to meet them as an offensive insinuation. This forbearance had not the expected effect of restraining him from a repetition of the offence. And even on his further insinuations, nothing more was done than to premonish him of the inadmissibility of so indecorous a course of proceeding. This, also, being without effect, nothing remained but the step finally taken. And there was the less hesitation in shutting the door to further opportunities for insulting insinuations, as the disclosure he had made and the spirit of his discussions had so entirely shut it to the hope of any favorable result from his mission.

I will not dwell on his reluctance to give up the uncertainties of verbal, for the precision of written discussion; nor on the manner or the time of his denial that he had given any room at all for a statement, which, in order to guard against the misconceptions incident to verbal conferences, I had placed before him in writing, with a request that he would point out any inaccuracies, and to which he did not then object, otherwise than by intimating that he could not have made the statement with the particular view which seemed to be supposed. Nor will I dwell on the various instances in which partial or inconsistent views of the subject have taken place of its real merits. But it may not be amiss to make some observations on the correspondence, as it relates to the justification of his Government, in having disavowed the act of his predecessor.

With respect to the Orders in Council, the ground of a disavowal is, the difference between the arrangement and the printed despatch of Mr. Canning to Mr. Erskine, of the 23d of January. According to this despatch, then, the arrangement failed in three points.

1st. In not relinquishing the trade of the United States with enemies' colonies.

With respect to this point, it is not necessary at this time to discuss the right to that trade. It is sufficient to remark, 1st, That as the trade is admitted to become, in the view of Great Britain, of little practical importance, why has it been made a ground of the disavowal, and especially as important considerations only could, upon principles of public law, have justified a measure of so serious a character? 2d, That as the colonial trade is a subject nowise connected either with the Orders in Council, or with the affair of the Chesapeake, why has it been permitted to frustrate an arrangement relating to those subjects, and to those only? 3d, That as this condition is alleged to have originated in a supposition that it would be agreeable to the American Government, why has it been persisted in, after the error was made known by the representation of Mr. Erskine to his Government, that neither this nor the other conditions of the despatch of the 23d January were attainable here?

2d. Another point of the despatch, and not in the arrangement, is, that the British navy might capture our trade to ports prohibited by the United States.

This condition, too, appears to have had its origin in a mistake of your meaning in a conversation with Mr. Canning, as noted by yourself, and in an inference then deduced as to the disposition of this Government. But this double mistake must have been brought to light in time to have been corrected in the new mission. In urging it, Mr. Canning has taken a ground forbidden by those principles of decorum which regulate and mark the proceedings of Governments towards each other. In his despatch, the condition is stated to be for the purpose of securing the *bona fide* intention of America to prevent her citizens from trading with France and certain other Powers; in other words, to secure a pledge to that effect against the *mala fide* intention of the United States. And this despatch, too, was authorized to be communicated *in extenso* to the Government of which such language was used. Might it not have been reasonably expected that such a condition, and such observations, would, at least on such an occasion, have been given up by a Government willing to smoothe the way to an amicable settlement of existing differences?

In his zeal to vindicate his Government, Mr. Jackson too, has attempted a gloss on this most extraordinary idea of calling on a foreign sovereignty, not indeed to make laws for us, but what is equivalent in principle, to supply a supposed inability to execute them. He calls such an interposition of his Government not an execution of the law of Congress, but of a compact binding as a public law on both parties, and which both would have a common interest in seeing duly executed. On his own principles, there ought to be a reciprocity, not only in the execution of the compact, but in the obligation and interest resulting from it. Besides, where there is a reciprocity in compacts between nations touching

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attributes of sovereignty, there is always as much of sovereignty gained as is parted with, so that there be no loss nor indignity on either side.

3. The remaining point in the despatch, not secured by the arrangement, is that which required, that whilst our prohibitory laws should be repealed as to Great Britain, they should be left in force as to France, and the Powers adopting or acting under her decrees.

This is the condition which alone properly belongs to the subject; and it is to be remarked, in the first place, that the British project, of which this condition makes a part, contemplated two things in their nature incompatible; one, a repeal of the prohibitory acts as to Great Britain, without waiting for the conclusion of a regular treaty; the other, a pledge or engagement for their continuance as to other Powers. Now, from the nature of our Constitution, which, in this particular, ought to have been attended to by the British Government, it is manifest that the Executive authority could have given no such pledge, that the continuance of the prohibitory acts, being a subject of legislative consideration, could not have been provided for until the meeting of the Legislature; and that the condition could not, therefore, but have failed, either in the immediate renewal of commerce with Great Britain, or in the immediate engagement that it should not be renewed with France.

The British Government ought to have acquiesced in, and indeed ought to have been satisfied with the attainment of the important object of an immediate repeal of our prohibitory laws, and with the consideration that the other object, not immediately attainable, was unnecessary at the time, because the prohibition as to France was then in force, and because there was every reason to infer, not only from this fact, but from the spirit of the communications made from time to time, and from the overtures before submitted to the British Government, that, without a repeal of the French decrees, our prohibitory laws would be in force against France, and especially in the case of a repeal of the British Orders, which would necessarily render a continuance of the French decrees doubly obnoxious.

But if, on this head, doubts could have been entertained, instead of rejecting the arrangement, ought not the repealing act on our part to have been met with a suspension at least of the Orders in Council, until it could have been seen whether the non-intercourse law would or would not have been continued against France? Such a suspension would not have given, in any point of view, more advantage to the United States than was given to Great Britain by the repeal which had taken place on their part.

If this reasonable course could not have been substituted for the disavowal, why was not a final disavowal suspended, with a proposition that the arrangement would be executed by Great Britain in the event of a compliance on the part of the United States with the condition required as to France? I am not unaware, you may be told, that the non-intercourse law of the United States did

not extend to Holland, though so intimately connected with France, and so subservient to her decrees against neutral commerce.

It would not be improper to observe, that this objection can be the less urged by Great Britain, as she has herself never, in her alleged retaliations, adhered to the principle on which they were founded.

Thus she has from the date of them, until very lately, directed them against the American trade even to Russia, although Russia had never adopted the French decrees, nor otherwise violated our neutral trade with Great Britain. So in her order of April last, she has discriminated not only between the countries devoted to France by the ties of blood, and other Powers, but between Holland, Westphalia, and Naples, in enforcing her prohibitory order against the first and not against the two last. Whilst, therefore, she finds it expedient to make these distinctions, she ought to presume that we too may perceive equal propriety in the distinctions we have made.

But it may be of more importance here to compare the British Order in Council of April last with the arrangement of April made by Mr. Erskine. It will thence be seen how little is the real difference, and how trivial it is when compared to the extensive serious consequences of the disavowal.

Under the Order in Council of April, all the ports of Europe except France, including the Kingdoms of Italy and Holland, with their dependencies, are opened to our commerce.

Under the arrangement of April, combined with our act of non-intercourse, all the ports of Europe except France and her dependencies, including the Kingdom of Italy, would have been opened to our commerce.

The difference then is reduced merely to Holland, and that again is reduced to the difference between a direct trade to the ports of Holland, and an indirect trade to Holland through the neighboring ports of Tonnigen, Hamburg, Bremen, and Embden.

Now, as the injuring of the enemies of Great Britain is the only avowed object of her interdicting order against our trade, let a computation be made of the effect which this difference between the Order in Council and the arrangement could possibly have in producing such an injury. And then let the question be candidly answered, whether, laying aside all considerations of right and justice, sufficient inducements could have been found in that result for rejecting the arrangement, and for producing the consequent embarrassments as well to Great Britain as to the United States.

If it be necessary, as Mr. Jackson has stated, to set bounds to a spirit of encroachment and universal dominion, which would bend all things to its own standard, and to falsify by honorable and manly resistance an annunciation that all Europe is submitting by degrees, the effort must be feeble, indeed, which is to be found in the inconvenience accruing to the formidable foe from the operation of this Order in Council, and especially when we combine with it the strange phenomenon of sub-

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stituting for the lawful trade of the United States a trade of British subjects contrary to the laws of the adverse party, and amounting, without a special license in the eye of British law, to high treason.

Thus much for the Orders in Council. What has taken place with respect to the case of the Chesapeake will equally engage your attention.

You will perceive that, throughout the early stages of the correspondence, this case was, in some respects, improperly confounded with, in others improperly separated from, that of the Orders in Council; and particularly that pains had been taken by Mr. Jackson to substitute verbal and vague observations on the disavowal of this part of the arrangement for an explicit and formal explanation, such as was obviously due. It will be seen, also, that when finally brought to the point, he referred for a justification of the disavowal to the departure of Mr. Erskine from his instructions, without showing what those instructions were, and to allusions to an expression in the arrangement without giving to his meaning the distinctness prerequisite to a just reply.

It appears, however, that he lays great stress on the proposal enclosed in his letter of the 27th of October, at once indicating the departure of Mr. Erskine from his instructions, and as containing the conditions on the basis of which he was ready to enter on an adjustment. And from a note from the Secretary of the British Legation, it appears that he has complained of not having received any answer to this proposal, as he had before complained that no answer had been given to his verbal disclosures on this head in his interviews with me.

With respect to his intimations in conversation, as they were preceded by no assignment of the reasons for not having executed the original adjustment, it cannot be necessary to remark, that no such notice as he wished to obtain could with any sort of propriety have been taken of them.

With respect to his written project, it will suffice to remark:

1st. That besides his reluctant and indistinct explanation of the disavowal of the original adjustment, he did not present his proposal until he had made such progress in his offensive insinuation as made it proper to wait the issue of the reply about to be given to it, and that this issue had necessarily put a stop to further communication.

2d. That although he had given us to understand that the ordinary credentials, such alone as he had delivered, could not bind his Government in such a case, his proposal had neither been preceded by, nor accompanied with, the exhibition of other commission or full power; nor, indeed, has he ever given sufficient reason to suppose that he had any such full power to exhibit in relation to this particular case. It is true that, in his letter of the 23d October, he has stated an authority eventually to conclude a convention between the two countries. Without adverting to the ambiguity of the term *eventually*, with the mark of emphasis attached to it, and to other uncertainties in the phraseology, it is clear that the authority re-

ferred to, whatever it may be, is derived from instructions subject to his own discretion, and not from a patent commission, such as might be properly called for. It is true, also, that in his letter of the 4th of November, subsequent to his proposal, he says he was possessed of a full power, in due form, for the express purpose of concluding a treaty or convention. But it still remains uncertain whether by the treaty or convention to which it related was not meant an *eventual* or provisional treaty on the general relations between the two countries, without any reference to the case of the Chesapeake. Certain it is, that the British Government, in former like cases, as will be seen by the adjustment of that part of the affair at Nookta Sound which is analogous to the case, did not consider any such distinct full power as necessary; nor is there the slightest ground for supposing that Mr. Erskine, although confessedly instructed to adjust this very case of the Chesapeake, was furnished with any authority distinct from his credential letter. That Mr. Jackson has any such commission is the less to be supposed, as it is but barely possible that, possessing it, he should not, on some occasion, or in some form, have used a language susceptible of no possible doubt on this point.

But, proceeding to the proposal itself, it is to be kept in mind that the conditions forming its basis are the very conditions for the deviating from which Mr. Erskine's adjustment was disavowed. Mr. Jackson, if not on others, is on this point, explicit. "I now add, says he, that the deviation consisted in not recording in the official document signed here, the abrogation of the President's proclamation of the 2d July, 1807, as well as the two reserves specified in the paper of memoranda, enclosed in my official letter to you of the 27th ultimo."

Considering, then, the conditions in the proposal as an ultimatum, in what light are we compelled to view such an attempt to repair the outrage committed on the frigate Chesapeake, and to heal the disappointment produced by a disavowal of a previous equitable reparation?

It is impossible, on such an occasion, not to recall the circumstances which constituted the character of the outrage to which such an ultimatum is now applied. A national ship, proceeding on an important service, was watched by a superior naval force, enjoying at the time the hospitality of our ports, was followed, and scarcely out of our waters, when she was, after an insulting summons, attacked in a hostile manner; the ship so injured as to require extensive repairs; the expedition frustrated; a number of the crew killed and wounded; several carried into captivity; and one of them put to death under a military sentence. The three seamen, though American citizens, and, therefore, on every supposition, detained as wrongfully as the ship would have been detained, have, notwithstanding, now remained in captivity between two and three years, and, it may be added, after it has long ceased to be denied that they are American citizens.

Relations with Great Britain.

Under these circumstances, we are called upon to ransom the captives.

1st. By acknowledging that a precautionary proclamation, justified by events preceding the outrage, by the outrage itself, and by what immediately followed it, was unjustifiable, and that a repeal of it was properly a condition precedent to a reparation for the outrage. And this requisition is repeated, too, after such an acknowledgment had been uniformly asserted by this Government to be utterly inadmissible, and, what is particularly remarkable, at a time when the proclamation, as is well understood, was no longer in force. The occasion obviously invited a silent assumption of the existing fact, and this would have excluded the difficulty heretofore found to be insuperable.

2d. By throwing into complete oblivion the conduct of the officer answerable for the murderous transaction, with a knowledge, too, on our part, that instead of being punished, or even brought to trial, he has been honored by his Government with a new and more important command.

3d. By admitting a right on the part of Great Britain to claim a discharge from our service of deserters generally, and particularly of her natural born subjects, without excepting such as had been naturalized in due form under the laws of the United States.

It has not been explained whether it was meant, as the universality of the term "deserters" would import, to include American citizens who might have left the British service. But what possible consideration could have induced the British Government to expect that the United States could admit a principle that would deprive our naturalized citizens of the legal privileges which they hold in common with their native fellow-citizens. The British Government, less than any other, ought to have made such a proposition, because it not only, like others, naturalizes aliens, but, in relation to the United States, has even refused to discharge from the British service native citizens of the United States involuntarily detained. If an American seaman has resided in Great Britain, or has married therein, or has accepted a bounty in her naval service, his discharge therefrom on the regular application of the British Government has been invariably refused by its Board of Admiralty. This I state on the authority of the official reports made to this Department. It is, therefore, truly astonishing, that, with a knowledge of these facts, such a pretension should have been advanced at all, but, above all, that it should have been made a *sine qua non* to an act of plain justice already so long delayed. This is the more to be regretted, as the omen does not favor the belief we would willingly cherish, that no predetermination exists in the Councils of His Britannic Majesty irreconcilable to an amicable arrangement of an affair which, affecting so deeply the honor of the United States, must precede a general regulation of the mutual interests of the two countries.

After the correspondence with Mr. Jackson

was terminated, two notes, copies of which are herewith sent to you, were presented to me in the name and by the hand of Mr. Oakley, the British Secretary of Legation.

The first requested a document having the effect of a special passport or safeguard to Mr. Jackson and his family during their stay in the United States. As the laws of this country allow an unobstructed passage through every part of it, and, with the law of nations equally in force, protect public Ministers and their families in all their privileges, such an application was regarded as somewhat singular. There was no hesitation, however, in furnishing a certificate of his public character, and to be used in any mode he might choose. But what surprised most was the reasons assigned for the application. The insult he alluded to was then, for the first time, brought to the knowledge of this Government. It had, indeed, been among the rumors of the day, that some unbecoming scene had taken place at Norfolk or Hampton, between some officers belonging to the Africaine and some of the inhabitants, and that it originated in the indiscretion of the former. No attention having been called for, and no inquiry made, the truth of the case is unknown. But it was never supposed that Mr. Jackson himself, who was on board the frigate had been personally insulted, nor is it yet perceived in what way he considers it as having happened. It is needless to remark that any representation on the subject would have instantly received every proper attention.

Another ground on which a protection was asked for, is the supposed tendency of the language of our newspapers to excite popular violence on Mr. Jackson's person. Had he been longer and better acquainted with the habits and spirit of the American people, he would probably never have entertained an apprehension of that sort. If he meant to animadvert on the free language of the newspapers, he might justly be reminded that our laws, as those of his own country, set bounds to that freedom; that the freedom of British prints, however great with respect to public characters of the United States, has never been a topic of complaint; and that, supposing the latitude of the American press to exceed that of Great Britain, the difference is infinitely less in this respect between the two, than between the British press and that of the other nations of Europe.

The second note seems to be essentially intended as a justification of the conduct of Mr. Jackson, in that part of his correspondence which had given umbrage. If he intended it as a conciliatory advance, he ought not to have preceded it by a demand of passports, nor by the spirit or the manner in which that demand was made. He ought, in fact, if such was his object, to have substituted an explanation in the place of his reply to my premonitory letter. But whether he had one or other, or both, of these objects in view, it was necessary for him to have done more than is attempted in this paper.

It was never objected to him, that he had sta-

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ted it as a fact that the three propositions in question had been submitted to me by Mr. Erskine, nor that he stated it as made known to him by the instructions of Mr. Canning; that the instruction to Mr. Erskine, containing these three conditions, was the only one from which his authority was derived to conclude an arrangement on the matter to which it related. The objection was, that a knowledge of this restriction of the authority of Mr. Erskine was imputed to this Government; and the repetition of the imputation, even after it had been peremptorily disclaimed. This was so gross an attack on the honor and veracity of this Government, as to forbid all further communications from him. Care was nevertheless taken, at the same time, to leave the door open for such as might be made through any other channel, however little the probability that any satisfactory communications would be received through any channel here.

To the other enclosures I add a printed copy of a paper purporting to be a circular letter from Mr. Jackson to the British Consuls in the United States. The paper speaks for itself. As its contents entirely correspond with the paper last referred to, as they were unnecessary for the ostensible object of the letter, which was to make known Mr. Jackson's change of residence, and as the paper was at once put into public circulation, it can only be regarded as a virtual address to the American people of a representation previously addressed to their Government—a procedure which cannot fail to be seen in its true light by his Sovereign.

The observations to which so much extent has been given in this letter, with those contained in the correspondence with Mr. Jackson, will make you fully acquainted with the conduct and the character he has developed, with the necessity of the step taken in refusing further communications from him, and with the grounds on which the President instructs you to request that he may be immediately recalled. You are particularly instructed, at the same time, in making those communications, to do it in a manner that will leave no doubt of the undiminished desire of the United States to unite in all the means the best calculated to establish the relations of the two countries on the solid foundation of justice, of friendship, and of mutual interest.

I have the honor to be, with great respect and consideration, sir, your obedient servant.

R. SMITH.

[CIRCULAR.]

WASHINGTON, November 13, 1809.

SIR: I have to inform you, with much regret, that the facts which it has been my duty to state in my official correspondence with Mr. Smith, have been deemed by the President of the United States to afford a sufficient motive for breaking off an important negotiation, and for putting an end to all communication whatever with me as the Minister charged with that negotiation, so interesting to both nations, and on one most mate-

rial point of which an answer has not even been returned to an official and written overture.

One of the facts alluded to has been admitted by the Secretary of State himself, in his letter to me of the 19th October, viz: That the three conditions, forming the substance of Mr. Erskine's original instruction, were submitted to him by that gentleman. The other, viz: That that instruction is the only one in which the conditions were prescribed to Mr. Erskine for the conclusion of an arrangement on the matter to which it related, is known to me by the instructions which I have myself received.

In stating these facts, and in adhering to them, as my duty imperiously enjoined me to do, in order to repel the frequent charges of ill faith which have been made against His Majesty's Government, I could not imagine that offence would be taken at it by the American Government, as most certainly none could be intended on my part; and this view of the subject has been made known to Mr. Smith. But, as I am informed by him that no further communication will be received from me, I conceive that I have no alternative left, which is consistent with the King's dignity, but to withdraw altogether from this city, and await elsewhere the arrival of His Majesty's commands upon the unlooked-for turn which has thus been given to his affairs in this country.

I mean, in the interval, to make New York the place of my residence; where you will henceforward please direct your communications to me, as I shall be accompanied by every member of His Majesty's mission. I am, &c.

F. J. JACKSON.

Extract of a letter from Mr. Pinkney to the Secretary of State.

LONDON, Feb. 28, 1809.

I have received from General Armstrong a letter, of which a copy is enclosed; and have, in consequence, made a written inquiry of Lord Wellesley, (with whom I had before communicated personally on the subject,) as to the existence of the blockades to which it alludes. I am not without hopes that the reply to my inquiry will amount to a declaration (satisfying, in substance, the condition mentioned in General Armstrong's letter) that these blockades are not in force; and, if it should, I will send immediate notice to General Armstrong. I have prepared an official letter to you on this head; which, with such additions as circumstances may enable me to make to it, will be sent by the corvette, the John Adams.

FRANCE.

[Communicated to Congress, November 29, 1809, February 19, and May 1, 1810.]

To the House of Representatives of the United States:

I transmit to the House a report of the Secretary of State, complying with their resolution of the 30th of April.

JAMES MADISON.

MAY 1, 1810.

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DEPARTMENT OF STATE,
May 1, 1810.

In pursuance of a resolution of the House of Representatives of yesterday, the Secretary of State has the honor of transmitting to the President of the United States, the accompanying papers, marked A, B, C, D, E, and F.

No information has been received, that any communication has been made to our Minister at London, on the part of the British Government, "in answer to any note presented by him in pursuance of instructions given on the 23d November, 1809."

No answers have been given to the "propositions or overtures, made on the part of the United States to the Governments of Great Britain and France, respecting any of the orders and decrees affecting neutral commerce," which have not been heretofore, or which are not herewith, communicated.

All which is respectfully submitted.

R. SMITH.

Extract—Mr. Smith, Secretary of State, to Mr. Armstrong.

DEPARTMENT OF STATE,
March 15, 1809.

The proceedings of Congress at their late session, combined with the Executive communications, affording, as they do, additional proofs of the pacific disposition of this Government, and of its strict observance of whatever the laws of neutrality require, you will not fail to avail yourself of the just arguments thence deducible in urging the equitable claims of the United States. The first, second, third, fourth, eleventh, and seventeenth sections of the act interdicting our commercial intercourse with Great Britain and France will, in that view, claim your attention, and especially the eleventh section, authorizing the Executive to renew our commerce with the nation withdrawing the operations of its illegal edicts. And you will be careful to let it be understood that the authority thus vested will, of course, be exercised in the event stated in the law.

Mr. Armstrong to Count Champagny.

PARIS, April 29, 1809.

The undersigned, Minister Plenipotentiary of the United States, has the honor of presenting to his Excellency the Minister of Exterior Relations, the enclosed copy of a law recently passed by the Legislature of the Union.

This law, as may be seen by the several provisions of it, has been forced upon them, by the extraordinary circumstances of the times, and is to be regarded as an act of precaution, taken with the view only of protecting their own property and rights, and of once more appealing to the interests and justice of those who would disturb or destroy them.

Your Excellency may be assured, that as nothing has given more disquietude to the United States than the necessity which has impelled

them to the adoption of this measure, so nothing will give them more satisfaction than to see that necessity cease. It is in the spirit and sincerity of this declaration, that the undersigned is instructed to add, that any interpretation of the Imperial decrees of the 21st of November, 1806, and 17th of December, 1807, which shall have the effect of leaving unimpaired the maritime rights of the Union, will be instantaneously followed by a revocation of the present act, and a re-establishment of the ordinary commercial intercourse between the two countries.

I offer to your Excellency, &c.

JOHN ARMSTRONG.

Count CHAMPAGNY.

Gen. Armstrong to Mr. Smith, Secretary of State.

PARIS, Sept. 4, 1809.

SIR: The letter of which I send you a copy, was received during my absence, and detained in Paris till my return. The note promised in it has not yet been received. Mr. Warden informs me, that the Council of Prizes have been ordered to suspend their proceedings with regard to our vessels. I have the honor to be, &c.

JOHN ARMSTRONG.

Hon. R. SMITH, Secretary of State.

[TRANSLATION.]

Count Champagny to General Armstrong.

VIENNA, Aug. 8, 1809.

SIR: You have desired that one of the American vessels, which are in the ports of France, might be authorized to depart to the United States with your despatches. I have taken the orders of His Majesty on the subject of this demand, and His Majesty, always disposed to facilitate your communications to your Government, has permitted the departure of the vessel which you shall designate. I informed the Ministers of the Marine and of the Finances of this disposition, requesting them to insure the execution of it as soon as you shall have made known to them the name of the vessel and the port from which she is to depart.

I have the honor, sir, to apprise you, that I shall forthwith address to you a note, by order of His Majesty, on the actual situation of our relations with the United States. Please to profit by the departure of the vessel to make this known to the Federal Government, and permit me also to send by that conveyance some despatches to the Minister Plenipotentiary of His Majesty to the United States.

Accept, sir, the assurances, &c.

CHAMPAGNY.

Extract—General Armstrong to Mr. Champagny.

PARIS, Sept. 8, 1809.

I had the honor of receiving your Excellency's letter of the 22d August last, in exposition of the principles adopted by His Majesty with regard to neutral commerce. I shall hasten to transmit a copy of this note to my Government.

Relations with France.

Extracts—General Armstrong to Mr. Smith, Secretary of State.

PARIS, Sept. 16, 1809.

I received on the 6th instant, on my return from Holland, two notes from Count Champagny, copies of which I have the honor to enclose. In one of these you will find an exposition of the principles which have governed, and which will continue to govern, the conduct of His Majesty, with regard to neutral commerce. To this, which was offered as a definitive answer to our propositions, I have believed that any reply, before I had received the further instructions of the President, would have been premature.

Mr. Laurence arrived at L'Orient on the 9th, and Mr. Hazewell at Paris, with your despatch of the 11th of August last, on the 13th instant. I immediately communicated to Count Champagny the President's proclamation interdicting anew all commercial intercourse between the United States and Great Britain, and gave such other explanations as the case appeared to require.

Extract—Count Champagny to General Armstrong.

ALTENBURG, August 22, 1809.

I have the honor to address to you a subjoined note, which His Majesty has ordered me to send to you, and which I have announced in my last despatch. If France does not do at this time all that the United States of America can desire, your Government will be able to see, that neither prejudice nor animosity influences its conduct; that it is the effect of its attachment to the principles which the Americans, more than any other people, are interested in supporting, and of the necessity of reprisals which circumstances impose. The Emperor will consider as a happy event, that which shall enable him to contribute to the prosperity of America, in leaving to its commerce all the liberty and all the extension which can render it flourishing.

Official note from Count Champagny to General Armstrong.

ALTENBURG, August 22, 1809.

SIR : His Majesty the Emperor, apprized that you are to send a vessel to America, has ordered me to make known to you the invariable principles which have regulated, and which will regulate, his conduct on the great question of neutrals.

France admits the principle that the flag covers the merchandise.

A merchant vessel, sailing with all the necessary papers (*avec les expéditions*) from its Government, is a floating colony. To do violence to such a vessel, by visits, by searches, and by other acts of an arbitrary authority, is to violate the territory of a colony; this is to infringe on the independence of its Government. The seas do not belong to any nation; they are the common property of mankind, and the domain of all.

Enemy merchant vessels belonging to individ-

uals ought to be respected. Individuals who do not fight ought not to be made prisoners of war. In all her conquests, France has respected private property. The warehouses and the shops have remained with their proprietors. They have been free to dispose of their merchandises as they pleased, and at this moment a greater number (*convois*) of wagons, loaded principally with cotton, pass through the French armies, through Austria and Germany, on their way to such places as commerce has directed.

If France had adopted the usages of maritime war, all the merchandise of the continent of Europe would have been accumulated in France, and would have become a source of immense wealth. Such would have been, without doubt, the pretensions of the English, if they had had on the land that superiority which they have obtained at sea. We should have seen, as in the times of barbarism, the vanquished sold as slaves and their lands parcelled out. Mercantile avidity would have usurped everything; and the return to barbarous usages would have been the work of the Government of a nation who have improved the arts and civilization. The Government is not ignorant of the injustice of its maritime code. But what signifies to it what is just? It only considers what is useful to itself.

Such are the principles of the Emperor on the usages and rights of maritime war. When France shall have acquired a marine proportioned to the extent of her coasts and her population, the Emperor will put more and more in practice these maxims, and will use his endeavors to render the adoption of them general.

The right, or rather the pretension of blockading, by a proclamation, rivers and coasts, is as monstrous (*revoltante*) as it is absurd. A right cannot be derived from the will or the caprice of one of the interested parties, but ought to be derived from the nature of things themselves. A place is not truly blockaded, until it is invested by land and by sea; it is blockaded to prevent it from receiving the succors which might retard its surrender. It is only then that the right of preventing neutral vessels from entering it exists; for the place so attached is in danger of being taken, and the dominion of it is doubtful, and contested by the master of the town and him who blockades or besieges it. Hence the right of preventing even neutrals from having access to it.

The sovereignty and independence of the flag are, like the sovereignty and the independence of the territory, the property of all neutrals. A State may give itself to another, may destroy the act of its independence, may change its sovereign; but the rights of sovereignty are indivisible and unalienable; none can give up any part of them.

England has placed France in a state of blockade. The Emperor, by his decree of Berlin, has declared the Britannie isles in a state of blockade. The first measure kept neutral vessels at a distance from France; the second has interdicted to them England.

By her Orders in Council of the 11th November, 1807, England has laid a toll on neutral ves-

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sels, and has obliged them to pass through her ports before they should go to the places of their destination. By a decree of the 17th of December of the same year, the Emperor has declared vessels, whose flag shall have been violated, degraded, trodden under foot, as no longer belonging to their nation, (*denationalisé*.)

To screen itself from the acts of violence with which this state of things threatened its commerce, America laid an embargo in her ports; and, although France, who had done nothing more than resort to reprisals, saw her interests and the interests of her colonies wounded by this measure, nevertheless, the Emperor applauded this generous determination of renouncing all commerce, rather than acknowledge the dominion (*domination*) of the tyrants of the seas. The embargo has been raised; a system of exclusion has been substituted for it. The continental Powers, leagued against England, make a common cause; they aim at the same object, they will reap the same advantages; they ought also to run the same risks. The ports of Holland, of the Elbe, of the Weser, of Italy, and of Spain, will not enjoy (*ne jouiront*) any advantages of which those of France may be deprived. They will both (*les uns et les autres*) be either open or shut at the same time, to the commerce of which they may be the object.

Thus, sir, France acknowledges in principle, the liberty of the commerce of neutrals and the independence of maritime Powers. She has respected them until the moment when the maritime tyranny of England (which respected nothing) and the arbitrary acts of its Government have forced her to measures of reprisal, which she has adopted, but with reluctance.

Let England revoke her declarations of blockade against France; France will revoke her decree of blockade against England. Let England revoke her Orders in Council of the 11th November, 1807; the decree of Milan will fall of itself. American commerce will then have regained all its liberty, and it will be sure of finding favor and protection in the ports of France.

But it is for the United States, by their firmness, to bring on these happy results. Can a nation that wishes to remain free and sovereign even balance between some temporary interests, and the great interests of its independence, and the maintenance of its honor, of its sovereignty, and of its dignity?

Please to accept, sir, the assurances of my high consideration,
CHAMPAGNY.

The Secretary of State to Mr. Armstrong.

DEPARTMENT OF STATE, Dec. 1, 1809.

SIR: Enclosed you have five copies of the President's Message and of its accompanying documents. They will afford you a view of the existing state of things here, and particularly of the ground taken in the correspondence with the British Minister. You will perceive that the deliberations of Congress at their present session cannot but be embarrassed by the painful consideration that the two principal belligerents have

been, for some time, alike regardless of our neutral rights, and that they manifest no disposition to relinquish, in any degree, their unreasonable pretensions.

You will, also, herewith, receive a copy of a letter to Mr. Pinkney, which will show the light in which M. Champagny's letter is viewed by the President, and, at the same time, the course of proceeding prescribed to our Minister in London. You will, of course, understand it to be wished that you should ascertain the meaning of the French Government, as to the condition on which it has been proposed to revoke the Berlin decree. On the principle which seems to be assumed by M. Champagny, nothing more ought to be required than a recall by Great Britain of her proclamation or illegal blockades, which are of a date prior to that of the Berlin decree, or a formal declaration that they are not now in force. Should this be done, and be followed by an annulment of all the decrees and orders in chronological order, and Great Britain should afterwards put in force old or proclaim new blockades, contrary to the law of nations, it would produce questions between her and the United States, which the French Government is bound to leave to the United States, at least until it shall find it necessary to bring forward complaints of an acquiescence on our part, not consistent with the neutrality professed by us.

You will yourself, and, if necessary, you will let the French Government understand, that we do not consider ourselves bound to contest the legality of a blockade, which may be conformable to the definitions heretofore maintained by the United States, and particularly to the definition contained in the treaty of June and October, 1801, between Great Britain and Russia. However founded the definition of M. Champagny may be in reason and general utility, and, consequently, however desirable to be made the established law on the subject of blockades, a different practice has too long prevailed among all nations, France as well as others, and is too strongly authenticated by the writers of admitted authority, to be combated by the United States.

If you should receive from the French Government explanations proper to be communicated to Mr. Pinkney, you will not fail to transmit the same to him without delay. And should they be such as to make it important that Mr. Pinkney should immediately found thereon an application to the British Government, to prepare the way for a repeal of the Berlin decree, you will be pleased to hasten the communication to him by a special messenger. Whatever the explanations may be, you will, of course, transmit them to this department, with such other information as may be interesting. With great respect, &c.

Copy of a letter from General Armstrong to Mr. Pinkney.

PARIS, January 25, 1810.

SIR: A letter from Mr. Secretary Smith, of the 1st of December last, made it my duty to in-

Russia, &c.—Blockade of the Baltic.

quire of his Excellency the Duke of Cadore, what were the conditions on which His Majesty the Emperor would annul his decree, commonly called the Berlin decree; and whether, if Great Britain revoked her blockades of a date anterior to that decree, His Majesty would consent to revoke the said decree? To these questions I have this day received the following answer, which I hasten to convey to you by a special messenger.

ANSWER.

The only condition required for the revocation, by His Majesty the Emperor, of the decree of Berlin, will be the previous revocation, by the British Government, of her blockades of France, or part of France, [such as that from the Elbe to Brest, &c.] of a date anterior to that of the aforesaid decree.

I have the honor to be, &c.

JOHN ARMSTRONG.

Extract of a letter from General Armstrong to the Secretary of State.

PARIS, *January 28, 1810.*

In conformity to the suggestions contained in your letter of the 1st of December, 1809, I inquired whether, if Great Britain revoked her blockades of a date anterior to the decree, commonly called the Berlin decree, His Majesty the Emperor would consent to revoke the said decree? To which the Minister answered, that "the only condition required for the revocation, by His Majesty, of the decree of Berlin, will be a previous revocation by the British Government of her blockade of France, or part of France [such as that from the Elbe to Brest, &c.] of a date anterior to that of the aforesaid decree; and that if the British Government would then recall the Orders in Council which had occasioned the decree of Milan, that decree should also be annulled."

RUSSIA, &c.—BLOCKADE OF THE BALTIC.

[Communicated to the House, January 12, 1810.]

Gentlemen of the House of Representatives:

I communicate to the House of Representatives the report of the Secretary of State on the subject of their resolution of the 3d instant.

JAMES MADISON.

JANUARY 12, 1810.

DEPARTMENT OF STATE, *Jan. 14, 1810.*

The Secretary of State has the honor to report to the President, in conformity to the resolution of the House of Representatives of the 3d instant, that no information has been received at the Department of State relative to the blockade of the ports of the Baltic by France, and of the exclusion of neutral vessels by Russia, Sweden, and Denmark. As it is presumed, however, that the enclosed papers, the first a translation of an "Ukase" of the Russian Government, dated on the 14th of May, 1809, and the second a transla-

tion furnished to this Department on the 10th of January last, by the Chargé des Affaires of Denmark, of such parts of the instructions given to the privateers of that country on the 14th of September, as were supposed to be most interesting to neutrals, may have some connexion with the object of the resolution, they are respectfully submitted.

R. SMITH.

ST. PETERSBURG, *May 14, 1809.*

It is known to the whole world with what firmness Russia has long protected the neutral trade during the wars of the European Powers. It is known with what courage she has defended the interests of the nations trading in peace from the flames of war. Following this invariable principle, also, during the present rupture with England, she fully relied that illicit practices would not be admitted in the trade with nations in amity with us. But as we have learned by experience during the last year that the enemy found means, through the medium of neutral vessels, of obtaining the produce he required, and of exchanging his own, to his aggrandizement, whereby we were lately necessitated to order two ships to be confiscated; for these causes, finding it indispensable to take measures for the prevention of various frauds and artifices, we command,

1st. That ships arriving in our ports shall prove the neutrality of the property by the following documents, viz: *Of the ship*, by the pass, the ship's register, the muster-roll, and the log-book. *Of the cargo*, by the charter party, the bills of lading, the declaration certificates of origin, if all the cargo or part thereof belongs to the captain; and by the invoices, if the ship comes from America or India, or if she be destined for those countries. If any of these documents cannot be produced by the captain, such ship shall be sent out of port without being permitted to unload.

2d. Ships loaded in part with goods which shall be proved to be the produce or manufacture of an enemy's country, shall be detained. The goods shall be confiscated, and sold by public sale for the benefit of the Crown. If more than half of the cargo consists of such goods, then not only the cargo, but the ship also shall be confiscated.

3d. A pass granted by a neutral, friendly, or allied Power, shall not protect a captain if he be discovered that he has acted in opposition thereto; nor if the ship bear a name in the pass different from that designated in the other documents, unless proofs of the change of the name, certified by some established authority of the place whence the ship comes, compose part of the documents of the said ship, and be presented to the custom-house. In such case, the captain is not to be criminated for the difference in the name of the ship.

4th. The pass shall not be considered as valid, should it be discovered that the ship receiving such pass was not, when the pass was given, in a port of the Power giving the pass.

5th. If there be found on board of any ship a

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supercargo, a captain, or more than one-third of the crew, subjects of an unfriendly Power, or if the ship have not a muster-roll certified by the supreme authority of such neutral place as the ship comes from, such ship and cargo shall be confiscated, and the crew set at liberty.

6th. If it be discovered that the ship's pass presented by the captain has been altered or forged, such ship and cargo shall be confiscated; the captain shall be prosecuted and proceeded with as directed by the laws regarding forgers of documents, and the crew set at liberty.

7th. If duplicate documents be discovered on board of a ship, with different destinations, such ship and cargo shall be confiscated. If the captain endeavor to justify himself by asserting the total loss of his papers, and should not procure them, such ship and cargo shall be detained, and a reasonable time, considering the distance of the place, shall be granted for the producing of them, if the captain desires it; on the contrary, should the captain be unable to wait, the ship, with the cargo, shall be immediately sent out of port. But should the captain, on the expiration of the time granted him, not produce the papers, the ship and cargo shall be confiscated.

8th. No enemies' built ships shall be acknowledged as neutral or friendly, unless there shall be among the documents of such ship an act, certified by some public court, proving that the sale or transfer was made before the declaration of war. In any other case, the ship and cargo shall be confiscated.

9th. If the proprietor or master of the ship, being born subjects of an unfriendly Power, should have a pass from a neutral or friendly Power, such pass shall not protect them until they prove that they became subjects of, and settled in the territories of, a neutral or friendly Power before the declaration of the war; otherwise, they shall be sent away with their ships, without being permitted to take return cargoes.

COUNT ROMANZOFF.

Regulations for vessels commissioned as Privateers,
dated

RENSBURG, September 14, 1807.

Section 1. Defines the qualifications for privateers.

2. Form of commission.

3. Regulates the security to be given by the owner.

4. It is the duty of every one, thus lawfully commissioned, to take and bring in for adjudication all ships and vessels belonging to the British Crown or to British subjects, and he may also bring in for examination all such ships and vessels as may render themselves suspicious by a deviation from some of those in section nine, given definitions, and in whose papers he finds a founded suspicion that they do not belong to subjects of friendly or neutral Powers; and he may further bring in for examination all such ships and vessels as, at the commencement of hostilities, were British property, notwithstanding they

may have been, by later purchase or contract, made over to subjects of other nations; except by regular papers, passports, and sea-letters, it satisfactorily appears that they have been in some friendly or neutral port after they had ceased to be British property.

5. Orders respect to be paid to the territory of neutral or friendly Powers, and such territory is considered to extend to one sea league from the land.

6. As we recognise it to be a fundamental principle, never to be departed from, that a free ship makes the goods on board free also, so do we strictly forbid our cruisers, commissioned as privateers, to detain any vessel belonging to friendly or neutral Powers, be the cargo whose it will, provided the ship's papers are in proper order, and no part of the cargo contraband of war, bound to a port or place under the British dominion.

7. As free ships make free the goods on board, so do enemy's ships make the cargo hostile, unless it clearly appears that they are the property of neutrals, loaded before the commencement of the war, or before the war was known at the place at which it was taken on board, and before the papers of the vessel were expedited.

8. The papers which, according to the sixth article, ought to be on board in due form, are (a,) a sea-pass; (b,) the proof of the carpenter as to the building of the vessel; (c,) a register and certificate of measurement; (d,) a muster-roll; (e,) a clearance; (f,) a charter-party or bills of lading; (g,) and, for such vessels as have passed the Sound, a clearance from Elsinore. Every ship or vessel which has so passed, and is found without such clearance, will be condemned as lawful prize to the captor.—*Royal Plaiat dal. Copenhagen, 14th November, 1807.*

9. As good prize will be considered all vessels which belong to the Crown of Great Britain or to British subjects, in whatever part of the world they reside. Further, shall, after due investigation, according to the particular circumstances of the case, be condemned as good prize: (a,) all vessels which shall be found at sea without a sea-pass; or (b,) when the pass or other documents are found to be false; (c,) when they are found in a course different from that expressed in their pass, unless forced thereto by storms, bad weather, pursuit of an enemy, or other accidents or distress, which must be proved by the journal; (d,) when loaded wholly or in part with contraband of war, which, on investigation, shall be destined to a British port; (e,) when a vessel is detained, or about to be detained, by a privateer, offers resistance; (f,) such ships or vessels as shall approach a squadron blockading a Danish town, port, or province, in order to trade with it or to carry it provisions.

10. Enumerate the articles which constitutes contraband of war.

11. Directs the conduct to be observed at sea towards ships belonging to neutral or friendly Powers; the privateer, in case of suspicion only, to board such vessels.

12. The crews of privateers are forbidden to

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break open any drawer, trunk, or package, or any part of the cargo; but, in case of suspicion of contraband of war, they may require of the master of the neutral ship to open himself, with the assistance of his own people, unless he should prefer to be carried into port for examination. Prescribes penalty for acting contrary.

13. Conduct to be observed towards vessels detained until they reach port.

14. All prizes to be sent into Danish or Norwegian ports, under the penalty of forfeiture of the commission; distress of weather, pursuit of an enemy, &c., excepted.

15. Regulates the examination and first proceedings in the case of a vessel carried in, and of the officer whose duty it is to attend thereto; the act of examination duly attested, and a lawful inventory of the cargo and ship to be sent to the prize court.

16. Regulates the duty of the prize court, &c. In giving judgment, all circumstances to be duly considered; but no other letter or papers to be produced as evidence against the vessel or cargo, except such as were actually found on board at the time of its detention.

17. Provides a prize court for every province in Denmark and Norway, and one for each of the Duchies.

18. Respect appeals to the High Court of Admiralty.

19. When a privateer detains a vessel without any of those justifiable causes before mentioned, all reasonable expenses and damages arising therefrom, must be made good by such privateers; but if the detained vessel shall not be furnished with regular papers, the capturing vessel shall be acquitted from all the consequences of such detention.

20. Provides for the sale at public auction of all prizes condemned, deducting from the proceeds of the sale one per cent., for the use of the marine hospital at Copenhagen; exempts from duty, tonnage, and all other charges, vessels, and cargoes detained.

21. Directs the crews of vessels condemned as a prize, if British subjects, to be sent to the nearest fortress, there to be considered as prisoners of war; and such as are subjects of friendly or neutral Powers, to be delivered to the Consuls of their respective nations.

22. Directs a copy of these regulations to be on board every privateer.

Given in our city and fortress of Rensburg, the 14th September, 1807.

DENMARK.

[Communicated to the House, January 12, 1810.]
To the House of Representatives of the United States:

I communicate to the House of Representatives the report of the Secretary of State on the subject of their resolution of the 6th of December last.

JAMES MADISON.

JANUARY 12, 1810.

DEPARTMENT OF STATE, Jan. 12, 1810.

The Secretary of State respectfully reports to the President of the United States, agreeably to a resolution of the House of Representatives of the 6th of December, 1809, that the enclosed papers, from A to E, contain, in substance, the information which has been received at this office, respecting seizures, captures, and condemnations of ships and merchandise of the citizens of the United States, under the authority of the Government of Denmark.

A. A memorial of sundry Americans at Christiansand to the President of the United States.

B. Translation of an extract of a letter from Peter Isaacsen, lately appointed Consul of the United States at Christiansand, to the President of the United States, dated August 11, 1809.

C. List of American vessels, which have been carried into the ports of Denmark and Norway, received from Mr. Saabye, Consul of the United States at Copenhagen.

D. Extract from a letter of Mr. Saabye to the Secretary of State, dated August 1, 1809.

E. Resolutions and memorial of merchants of Philadelphia.

The Secretary also respectfully reports to the President, that information had been received at this office, within the period embraced by the resolution referred to, of the capture of American vessels by those of Great Britain, under various pretexts, viz: for dealing by bills of exchange, in an enemy's country, for colonial produce, violating the British Orders in Council of January and November, 1807; for infringing the blockade of Martinique; for being engaged in the Vera Cruz and colonial carrying trade, and of the seizure of some American vessels at Curaçoa, at Ceylon, and in China, for reasons not distinctly stated. It is to be observed, however, that the papers in this office afford but a very imperfect account of the British captures of American property, and it is for this reason that a detail is not attempted in this report, more particularly as no official accounts have been received on which to ground one.

The Secretary begs leave likewise to state to the President that within the period embraced by the resolution, property to a considerable amount, belonging to citizens of the United States, has been captured and seized by the French, for violations of the Berlin and Milan decrees, and under other pretexts; that, in some instances, the merchant vessels of the United States have been burnt at sea by French cruisers, and, in others, the indemnity of the vessels and property has been purchased by the means of bills of exchange, drawn by the captains of the American vessels upon their owners, at a rate imposed by the captors. The accompanying statement of American vessels, condemned by the Imperial Council of Prizes at Paris, from the 18th December, 1806, to the 26th May, 1809, received from Mr. Warden, acting as Consul of the United States at Paris, more particularly explains the grounds of French captures.

It is to be observed, however, as to many of these

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acts, that they can no otherwise be considered as having been done under the authority of those Governments, than that the vessels committing them were under their flags.

Respectfully submitted.

R. SMITH.

A Memorial from sundry Americans at Christiansand, July, 19, 1809.

CHRISTIANSAND, *July 19, 1809.*

To his Excellency, JAMES MADISON, Esq. President of the United States of North America: the memorial of the undersigned captains and supercargoes, citizens of the United States, respectfully sheweth:

That in the prosecution of our several voyages, undertaken with the sanction of our Government, and consequently (as we are bound to believe) not only conformably to its laws, but also fair and legal, as they respect the treaties existing between the United States and the Court of Denmark; and although we had severally attached to our ships all those official documents required by our laws, which were, at the time of our sailing from the United States, issued by the several collectors, and other equally constituted authorities, for the purpose of proving the national character of our vessels and cargoes; that, nevertheless, we have been (whilst alike unsuspecting of insult or injury, and unprepared to resist either,) forcibly intercepted in the prosecution of our voyages, by the privateers of Norway, acting under commissions from His Majesty the King of Denmark, and brought into the several ports of this Kingdom, to the great injury of the citizens of the United States, whose property we represent, and violation of those rights, due to neutrals in general, but more especially to us, whose Government uniformly has respected with the most sacred fidelity the rights of others.

Your memorialists beg leave to call your Excellency's attention to the annexed list, by which you will observe, that — vessels, with cargoes to the amount of — dollars, exclusive of freight and charges, have been detained here, some nearly three months, the others less, as will appear from said list; and that several have been condemned under pretexis the most degrading to our national flag and character, and apparently the most destitute either of reason or justice. As individuals, we have experienced a degree of incivility the more distressing, as we have seen the captain of a vessel bearing the English flag, an avowed enemy of the country, when captured and brought in here, meet with treatment in every respect different, and even respectful. In some cases, where the most trifling inaccuracy could not be discovered in our ships' papers, we have found them, when out of our possession, mutilated and defaced. In some instances, our people have been tempted with bribes, and threatened with punishments, to induce their giving false testimony against our property. In those cases which have been adjudicated, all the proceedings are in the Danish language, (with which your memorialists are unacquainted,) and we have been invariably refused

either a copy of those proceedings, or even of the particular charges against us, until what they call the trial was over, and the judgment passed, by which the property of citizens of the United States was condemned. It is not the least of our present misfortunes, that, in addition to the detention and condemnation of our property, our several crews are thrown upon us for support, without any other provision made for them by this Government than that of their entering into its service on board of their national gunboats, or privateers, at the same time that our ships' provisions are in many cases almost, and in others altogether, exhausted, and the impoverished state of the country such, that a supply for the approaching winter is at least precarious, if not absolutely unobtainable.

Your memorialists beg leave to lament, that, in the Kingdom of Norway, the United States have not either Consul or commercial agent to whom, in circumstances so novel, unprecedented, and distressing, we could apply, either for pecuniary aid, advice, or protection; and that our distance from Copenhagen is so great, and the communication, in consequence of the war with Sweden and England, so precarious and uncertain, that Mr. Saabye, our Consul at that Court, has it not in his power, even if he were disposed to render us that aid which we require under those circumstances; and because Mr. Saabye, although well apprized of our situation, has not taken those steps which were certainly in his power to alleviate them. We have thought it our duty, and for our interest, to solicit the friendship and protection of Peter Isaacsen, Esq. of this place, and to which he has generously acceded; in consequence of which, we have appointed him, by an instrument, (a copy of which is annexed,) Agent for the United States in this place, until your Excellency's pleasure is known; and we cannot omit this opportunity of recommending this gentleman as possessing that honor, talent, and integrity, and independence, both of sentiment and fortune, which in a distinguished manner qualifies him for your Excellency's appointment as Consul for the United States in the Kingdom of Norway.

Your memorialists have further to represent, that the apparent breach of hospitality and faith, on the part of the Court of Denmark, of which we now complain, is assigned by those constituted powers, with whom they have had an opportunity of conversing, to circumstances which your memorialists are fearful are too true, namely, that many of our citizens have, especially during eighteen months last past, been engaged in a commerce, violating alike the laws of the United States and those of the belligerents, and which has been carried on under false papers procured in England, and under the mask of the American flag. Of the truth of which allegation, your memorialists have to their sorrow seen one proof in the case of the ship *Romulus* of Boston, which was brought into this port, and very properly condemned in last May. It is further alleged, and we think it not improbable, that latterly the

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English have built their ships as much as possible to resemble the Americans, and with them have been carrying on an extensive trade, especially to Archangel and the Baltic, under the American flag, and with American papers of English manufacture. How far these unwarrantable frauds may have been practised, and how they are in future to be prevented, will doubtless engross your Excellency's attention, and the more especially as this is made a ground of suspicion, operating against all American vessels, and on the strength of which (we are led to believe) those condemnations which have taken place here are almost exclusively founded.

Your memorialists further represent, that all the ports from Bayonne to the Weser (as we understand) are in a state of the most rigorous blockade; from which your memorialists infer, that, as the activity of the privateers here evidently increases with the growing extent of their depredations on our unprotected property, a great proportion of those ships which were bound for, but cannot enter, the ports of Holland, while seeking for a place of security and a market in Sweden and the Baltic, will add alarmingly to our unfortunate number, and increase the amount of property here (already much too great for the faint hopes your memorialists entertain of its recovery) to a sum not merely affecting the interests of individuals, but such as will be alarmingly felt in the Treasury of the United States.

Your memorialists would further represent, that in all the cases of condemnation which have taken place here, the captain, representing the property, has appealed to the High Court of Admiralty at Christiana; and as a strong demonstration of the expectation of the people of Norway, and the disposition of its Government, in all those cases where the court have declared the property neutral, the voyage fair, and the capture of course illegal; and although the injured American has nevertheless been adjudged to pay the captor from four to six hundred rix-dollars, for proving his innocence and neutrality, yet the captors have also appealed to the same high court, without being compelled by law to give us bonds for the consequences of such further detention.

Your memorialists doubt not, nor can your Excellency doubt, after an examination of the accompanying document, that every American vessel in Norway, together with those who may be expected, will share in the same fate; but when the appeals will be ultimately tried, whether in one month, or in one year, or, peradventure, the next century, your memorialists have not, with all their anxiety to ascertain a fact so much involving their interests, been able to learn.

Finally, your memorialists beg leave to assure your Excellency, that, unwilling to trouble or alarm our Government until every means in our power had been tried, which could tend to render this very unpleasant alternative unnecessary, we have applied repeatedly to our Consul at Copenhagen, who answers that he feels for our situation, but could not render us any assistance, but

observed that the higher courts of Norway would not fail to do us justice. To the laws of Norway we have appealed, but with the hopes already expressed in this memorial. Thus situated, we forbear to color a simple representation, of itself so gloomy and degrading, that, except in this single instance, will at all apply to the history of the civilized world, to the citizens of any free, brave, and powerful nation. Strangers, therefore, in a foreign country, dispossessed of our property, in the power of a people who have arrested our vessels and cargoes, who if they know, do not appear to respect those salutary laws recognised for ages, and necessary for the safe and honorable intercourse of mankind, with upwards of four hundred of our seamen depending on us for protection and bread, without having the ability to extend to them the one, or procure for them the other—we supplicate most earnestly and respectfully your Excellency's interposition in such a manner as your wisdom shall approve; and we do this with the fullest confidence that such measures as your Excellency may adopt for the recovery of our property, the security of our rights, and the vindication of our national honor, will be as distinguished for their promptitude, firmness, and decision, as the treatment of which we complain is remarkable for its novelty, severity, and injustice.

We beg your Excellency to accept the assurance of our respectful and high consideration.

[Signed, &c.]

B.—Translation of an extract of a letter from Peter Isaacsen to the President of the United States.

AUGUST 11, 1809.

At a time at which nearly all the European Powers are engaged in war, and not the colors of a single nation are respected; at which privateering, molestation, and capturing have become as customary as they, in times of peace, were considered as against the laws of nations, and abhorred by all civilized States; at which commerce and navigation are everywhere interrupted, or, rather to say, destroyed; at such a time, it has happened, after the navigation of the United States of America was renewed, that several American merchant ships, bound from thence to the north of Europe, have been detained on their voyage by Norway privateers in the North Seas, and carried into ports of Norway, where, at the present time, are already the number of twenty-six of such vessels, partly here at Christiansand, and partly in the neighboring harbors.

Under these circumstances, the captains of those vessels, as well as the supercargoes, have found it expedient to choose a general commissioner, who was able to direct their business here, give them advice and assistance during their stay here, and, in the whole, who was able to fulfil all the functions of a Consul. I am unanimously elected by them, being a merchant and Danish citizen at this place.

Persuaded of the most perfect neutrality of the United States of America with all the belligerent Powers and that its Government always has

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kept a friendly connexion and understanding with my Sovereign, the King of Denmark, and his dominions; under the supposition that American subjects neither can nor will permit themselves any actions contrary to the positive laws, and which are not consistent with the most perfect neutrality; in consequence of this, I found myself in duty bound not to deny them that assistance of which they stand so much in need, in a country where they were altogether strangers, and deprived of the disposal both of their vessels and cargoes.

These motives have determined myself, for the first, to annex the functions of a Consul and Commissioner, which has enabled me, to my great satisfaction, to find that my expectations, with regard to the lawful business of the American subjects and the justice of their cases, have not been entirely unfounded, and, in behalf of this, I do myself the honor to give the following submissive account.

Twenty-six vessels have been brought in here, of which eighteen have already undergone trial. Of these, eight have been cleared, and ten have been condemned as lawful prizes, for reasons that, in the ship's papers, have been found suspicious circumstances, viz:

The erasing or altering of the date in the sea-letter, the want of the signature of the Secretary of State in the sea-letter, and that they not altogether have been conformable with each other, &c.

And further, it has been observed that, among the several ships' documents, has every where been wanting the charter-party, which, according to the regulations for privateers, are ordered to be found on board of every neutral vessel, which want has occasioned that the court of prizes has awarded the privateers to the expenses of the captures.

Those different sentences have produced the appeals to the High Court of Admiralty at Christiana, established there for the kingdom of Norway, either by the captains whose vessels have been condemned, or by the privateers against those vessels which have been liberated, which procedures will occasion further delay, expenses, and loss for the captured.

I hope that the most, if not all, the cases appealed to the High Court of Admiralty, will be decided in favor of the American captains; in consequence of this, I have proposed to the Government, if the privateers who have appealed, being mostly but poor pilots and fishermen, ought not to be ordered to give security for the unnecessary delay, and loss, and damages derived from it, and which the American captains further might have to suffer; or, if this security was not given, then it might be permitted them immediately to proceed on their voyages; but I have received neither answer nor resolution thereupon.

In the present situation of things exists, consequently, no remedy to lighten the burden of the captains, or procure clearances for their ships and cargoes, but to wait for the success of the

expected resolution upon my proposal, or for the event of the sentence of the High Court of Admiralty in appealed cases; in the mean time, I shall not fail to procure the cases of the captains pleaded, and in the whole observe their interest as well as possible.

Permit me further to make the following observations:

In the same manner as the treacherous behaviour of England towards Denmark has occasioned the war between these two Powers, in the same manner has our Government considered privateering as one of the most useful means to hurt the enemy in his navigation and commerce. At the same time, it gives a material interest to the privateers themselves, especially in a period at which our own navigation and commerce lay at rest, and the mariners have no other means of getting their living; consequently, the privateers can in fact not be blamed to make use of their privileges and permission, by every opportunity, and I might dare to say that the capturing of neutral vessels, according to political principles, might be excused, having had several instances, that vessels of such nations, which, conforming to the famous Berlin decree, ought not to sail for England, or to be in any commercial connexion with it, nevertheless have, by the help of fictitious and counterfeited papers, favored the commerce of that country, especially since the commencement of war between Denmark, by carrying those articles to England of which it stood in absolute want to keep up the war.

It is therefore nearly adopted as a common principle, not to respect the colors of any nation on the ocean, under the supposition that as well the colors as the documents might be fictitious and false, and that the cargoes might be, direct or indirect, destined for the enemies of Denmark. This principle has been the more justified by having found, at the examination of several captured vessels, that they were not only provided with a double set of papers, but sailed, besides, under British licenses.

[Here follows a list of American ships, which have been carried in by privateers.]

D.—Extract of a letter from Mr. Saabye to the Secretary of State.

August 1, 1809.

I am fortunate enough to be able to inform you of a Royal order given to-day, by which all privateers are ordered back into port, and all privateering prohibited, except about Heligoland.

E.—Resolutions of several merchants, &c. of Philadelphia, respecting Danish captures.

PHILADELPHIA, October, 19, 1809.

At a meeting of the merchants and underwriters of this city, interested in the vessels and property captured in Europe by Danish cruisers, held this day at the Merchants' Coffee House, the following resolutions were unanimously agreed to:

Maritime Jurisdiction.

Resolved, That a committee be appointed to prepare a representation to the President of the United States, of the facts and circumstances attending the late enormous and alarming depredations committed by Danish cruisers on the property of citizens of the United States lawfully navigating the high seas, and actually destined for ports in Denmark, Sweden, or Russia:

And of the vexatious proceedings and unjust condemnation of such property, in courts acting under the authority of Denmark, not only in violation of the law of nations, (in the maintenance and defence of which that Government has hitherto been distinguished,) but in contempt of those documents and evidences of neutrality, which have hitherto been deemed sufficient:

Respectfully requesting that such measures may be speedily adopted as the wisdom of the Executive may devise, and the magnitude and emergency of the case require:

Resolved, That the committee be instructed to collect all the testimony which the nature of the case may require, or the parties interested may furnish, together with satisfactory evidences of the neutrality of the property, and the other documents which accompanied it in each case, with the nature and amount of their several claims:

That the memorial be signed by the parties interested, and, together with a certified copy of the proceedings of this meeting, (signed by the chairman,) be forwarded, without delay to the Secretary of State, to be laid before the President:

That the Chairman, T. Fitzsimons, W. Jones, Henry Pratt, Stephen Girard, and Charles Pleasants, be a committee.

THOS. FITZSIMONS, *Chairman*.

TO JAMES MADISON, President of the United States; the memorial of the subscribers, merchants and underwriters of the city of Philadelphia, respectfully represents:

That, during the present year, and since the expiration of the embargo laws, your memorialists have fitted out and loaded or insured several vessels with valuable cargoes, destined for the ports or countries in amity with the United States, and not known to be under blockade or any restriction that would render the admission of American vessels hazardous; that some of those vessels having departed from the United States previous to the proclamation which took off the restriction from the ports of the United Kingdoms and their dependencies, took clearances for a permitted port in Europe, but were actually destined for a port in Russia, or some one in Denmark or Sweden.

That, notwithstanding their being furnished with all the documents and evidences of the neutral character of both vessels and cargoes, in every instance in which they have been met with by Danish cruisers they have been captured and sent into the ports, under the dominion of that nation, and, with their cargoes, have been condemned, (with very few exceptions;) and even when ac-

quitted, the sentences have been appealed from, so as to prevent a restitution of the property, and at the last advices the whole was detained to abide the sentence of the superior tribunals. That, from the destruction or dilapidations of the papers by the captors, as well as from other circumstances, your memorialists have too much reason to apprehend an unfavorable issue of the cases; and that, if the property should be distributed, no subsequent determination would enable them to recover its value, the captors being, as they understand, generally without property or responsibility.

That, besides the vessels and cargoes enumerated and specified in the schedule transmitted by your memorialists to the Department of State, there is certain information that a great number of vessels belonging to other ports of the United States have been captured, and are under like circumstances with those of your memorialists, and likely to share the same fate.

Under these circumstances, and considering the magnitude of the object, your memorialists presume to hope for the interference of Government in their behalf, by dispatching a public vessel, and a person to represent the case to the Danish Government, or such other measures as the wisdom of the President may deem proper, which with the proofs ready to be adduced by your memorialists, warrant the expectation that the property would be restored.—[Signed, &c.]

[Here follows a statement of American vessels condemned by the Imperial Council of Prizes at Paris, from the 18th of December, 1806, to the 26th of May, 1809.]

MARITIME JURISDICTION.

[Communicated to the House, February 1, 1810.]

To the House of Representatives of the United States:
I lay before the House a report of the Secretary of the Treasury, conformably to their resolution of January 18, 1810.

JAMES MADISON.

FEBRUARY 1, 1810.

TREASURY DEPARTMENT, *Jan. 30, 1810.*

SIR: I have the honor, in conformity with the resolution of the House of Representatives of the 18th instant, to transmit copies of the instructions issued at several times by this Department, with respect to foreign armed ships or vessels within the waters of the United States.

I have the honor to be, with the highest respect, your obedient servant,

ALBERT GALLATIN.

The PRESIDENT of the U. States.

Instructions.

No. 1.

TREASURY DEPARTMENT, *April 23, 1793.*

SIR: You will find enclosed the copy of a proclamation lately issued by the President of the

Maritime Jurisdiction.

United States, respecting the war at present existing between certain Powers of Europe therein named.

The preservation of the peace of the country is so very important to its interests, and that must depend so materially upon the conformity of the conduct of our citizens to the spirit which is manifested by the proclamation, that it is deemed particularly interesting to receive the earliest and most exact advice of every appearance in any quarter which may seem to contravene the intention of the Government in this respect.

I therefore request that you will keep an observant eye upon whatever passes in your district having reference to the object of the proclamation; and, if anything comes under your notice inconsistent with it, that you will immediately communicate it to the Attorney of the United States for the judicial district comprehending your district, and to me.

The building of vessels calculated and fitted for war is a circumstance which will merit particular attention, as much danger may be apprehended from that quarter. I am, sir, &c.

ALEXANDER HAMILTON.

The COLLECTOR of Customs.

No. 2.

TREASURY DEPARTMENT, May 30, 1793.

SIR: It being the opinion of the Executive that there is no general law of the land prohibiting the entry and sale of goods captured by foreign Powers at war, and, consequently, that such entry and sale are lawful, except in cases where a prohibition is to be found in the treaties of the United States, it becomes the duty of this Department to make known to you that the entry of vessels captured and brought into our ports by the ships of war and privateers of France and of their cargoes, is to be received in the same manner, under the same regulations, and upon the same conditions, as that of vessels and their cargoes which are not prizes. One of these conditions is, of course, the payment or securing the payment of the duties imposed by law on goods, wares, and merchandise imported, and on the tonnage of ships and vessels. But the same privilege will not extend to any of the other belligerent Powers, being contrary to the seventeenth and twenty-second articles of our treaty with France. I am, &c.

ALEXANDER HAMILTON.

To COLLECTORS of Customs.

No. 3.

Proclamation of Neutrality.

Communicated to Congress December 3d, 1793, and referred to in the Message of the President of the United States of that date, of which the following is an extract:

"As soon as the war in Europe had embraced those Powers with whom the United States have the most extensive relations, there was reason to

apprehend that our intercourse with them might be interrupted, and our disposition for peace drawn into question by the suspicions too often entertained by belligerent nations. It seemed, therefore, to be my duty to admonish our citizens of the consequences of a contraband trade, and of hostile acts to any of the parties; and to obtain, by a declaration of the existing legal state of things, an easier admission of our right to the immunities belonging to our situation. Under these impressions, the proclamation, which will be laid before you, was issued.

"In this posture of affairs, both new and delicate, I resolved to adopt general rules, which should conform to the treaties, and assert the privileges of the United States. These were reduced into a system, which will be communicated to you. Although I have not thought myself at liberty to forbid the sale of the prizes, permitted by our treaty of commerce with France to be brought into our ports, I have not refused to cause them to be restored when they were taken within the protection of our territory, or by vessels commissioned or equipped in a warlike form within the limits of the United States."

By the President of the United States of America.

A PROCLAMATION.

Whereas it appears that a state of war exists between Austria, Prussia, Sardinia, Great Britain, and the United Netherlands, of the one part, and France on the other; and the duty and interest of the United States require, that they should with sincerity and good faith adopt and pursue a conduct friendly and impartial toward the belligerent Powers:

I have, therefore, thought fit by these presents to declare the disposition of the United States to observe the conduct aforesaid towards those Powers respectively; and to exhort and warn the citizens of the United States carefully to avoid all acts and proceedings whatsoever, which may in any manner tend to contravene such disposition.

And I do hereby also make known, that whosoever of the citizens of the United States shall render himself liable to punishment or forfeiture under the law of nations, by committing, aiding, or abetting hostilities against any of the said Powers, or by carrying to any of them those articles which are deemed contraband by the modern usage of nations, will not receive the protection of the United States, against such punishment or forfeiture; and further, that I have given instructions to those officers, to whom it belongs, to cause prosecutions to be instituted against all persons who shall, within the cognizance of the courts of the United States, violate the laws of nations, with respect to the Powers at war, or any of them.

In testimony whereof, I have caused the seal of the United States of America to be affixed [L. s.] to these presents, and signed the same with my hand.

Done at the city of Philadelphia, the twenty-

Maritime Jurisdiction.

second day of April, one thousand seven hundred and ninety-three, and of the Independence of the United States of America the seventeenth.

GEORGE WASHINGTON.

By the President:

TH. JEFFERSON.

Instructions to the Collectors of the Customs.

PHILADELPHIA, August, 4, 1793.

SIR: It appearing that repeated contraventions of our neutrality have taken place in the ports of the United States, without having been discovered in time for prevention or remedy, I have it in command from the President to address to the collectors of the respective districts a particular instruction on the subject.

It is expected that the officers of the customs in each district will, in the course of their official functions, have a vigilant eye upon whatever may be passing within the ports, harbors, creeks, inlets, and waters, of such district, of a nature to contravene the laws of neutrality, and, upon discovery of anything of the kind, will give immediate notice to the Governor of the State, and to the attorney of the judicial district comprehending the district of the customs within which any such contravention may happen.

To assist the judgment of the officers on this head, I transmit herewith a schedule of rules concerning sundry particulars which have been adopted by the President, as deductions from the laws of neutrality, established and received among nations. Whatever shall be contrary to these rules will, of course, be to be notified as above mentioned.

There are some other points which, pursuant to our treaties, and the determination of the Executive, I ought to notice to you.

If any vessel of either of the Powers at war with France should bring or send within your district a prize made of the subjects, people, or property of France, it is immediately to be notified to the Governor of the State, in order that measures may be taken, pursuant to the 17th article of our treaty with France, to oblige such vessel and her prize, or such prize, when sent in without the capturing vessel, to depart.

No privateer of any of the Powers at war with France, coming within a district of the United States, can, by the 22d article of our treaty with France, enjoy any other privilege than that of purchasing such victuals as shall be necessary for her going to the next port of the Prince or State from which she has her commission. If she should do anything beside this, it is immediately to be reported to the Governor, and the attorney of the district. You will observe, by the rules transmitted, that the term privateer is understood not to extend to vessels armed for merchandise and war, commonly called with us letters of marque, nor, of course, to vessels of war in the immediate service of the Government of either of the Powers at war.

No armed vessel which has been or shall be originally fitted out in any port of the United

States, by either of the parties at war, is henceforth to have asylum in any district of the United States. If any such armed vessel shall appear within your district, she is immediately to be notified to the Governor, and attorney of the district, which is also to be done in respect to any prize that such armed vessel shall bring or send in. At foot is a list of such armed vessels of the above description as have hitherto come to the knowledge of the Executive.

The purchasing within, and exporting from the United States, by way of merchandise, articles commonly called contraband, being generally warlike instruments and military stores, is free to all the parties at war, and is not to be interfered with. If our own citizens undertake to carry them to any of those parties, they will be abandoned to the penalties which the laws of war authorize.

You will be particularly careful to observe, and to notify as directed in other instances, the case of any citizen of the United States who shall be found in the service of either of the parties at war.

In case any vessel shall be found in the act of contravening any of the rules or principles which are the ground of this instruction, she is to be refused a clearance until she shall have complied with what the Governor shall have decided in reference to her. Care, however, is to be taken in this, not unnecessarily or unreasonably to embarrass trade, or to vex any of the parties concerned.

In order that contraventions may be the better ascertained, it is desired that the officer who shall first go on board any vessel arriving within your district, shall make an accurate survey of her then condition as to military equipment, to be forthwith reported to you; and that, prior to her clearance, a like survey be made, that any transgression of the rules laid down may be ascertained.

But, as the propriety of any such inspection of a vessel of war in the immediate service of the Government of a foreign nation is not without question in reference to the usage of nations, no attempt is to be made to inspect any such vessel, till further order on the point.

The President desires me to signify to you his most particular expectation, that the instruction contained in this letter will be executed with the greatest vigilance, care, activity, and impartiality. Omissions will tend to expose the Government to injurious imputations and suspicions, and proportionably to commit the good faith and peace of the country—objects of too much importance not to engage every proper exertion of your zeal. With consideration, I am, sir, &c.

ALEXANDER HAMILTON.

1. The original arming and equipping of vessels in the ports of the United States, by any of the belligerent parties, for military service, offensive or defensive, is deemed unlawful.

2. Equipments of merchant vessels by either of the belligerent parties, in the ports of the Uni-

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ted States, purely for the accommodation of them as such, is deemed lawful.

3. Equipments in the ports of the United States, of vessels of war in the immediate service of the Government of any of the belligerent parties, which, if done to other vessels, would be of a doubtful nature, as being applicable either to commerce or war, are deemed lawful; except those which shall have made prize of the subjects, people, or property of France, coming with their prizes into the ports of the United States, pursuant to the 17th article of our Treaty of Amity and Commerce with France.

4. Equipments in the ports of the United States, by any of the parties at war with France, of vessels fitted for merchandise and war, whether with or without commissions, which are doubtful in their nature, as being applicable either to commerce or war, are deemed lawful; except those which shall have made prize, &c.

5. Equipments of any of the vessels of France, in the ports of the United States, which are doubtful in their nature, as being applicable to commerce or war, are deemed lawful.

6. Equipments of every kind, in the ports of the United States, of privateers of the Powers at war with France, are deemed unlawful.

7. Equipments of vessels in the ports of the United States, which are of a nature solely adapted to war, are deemed unlawful; except those stranded or wrecked, as mentioned in the 18th article of our treaty with France, the 16th of our treaty with the United Netherlands, the 9th of our treaty with Prussia, and, except those mentioned in the 19th article of our treaty with France, the 17th of our treaty with the United Netherlands, the 18th of our treaty with Prussia.

8. Vessels of either of the parties, not armed, or armed previous to their coming into the ports of the United States, which shall not have infringed any of the foregoing rules, may lawfully engage or enlist therein their own subjects or citizens, not being inhabitants of the United States; except privateers of the Powers at war with France, and except those vessels which shall have made prize, &c.

No. 4.

TREASURY DEPARTMENT, Aug. 22, 1793.

SIR: Though it was not expressly said, yet I presume it would have been understood as clearly implied in the instruction contained in my circular of the 4th instant:

That the liberty to enter vessels and their cargoes brought in as prizes by the armed vessels of France, was not, after the receipt of that letter, to include vessels and cargoes taken and brought or sent in by armed vessels originally fitted out in the ports of the United States while remaining in possession of their captors, it will follow that if an attempt shall be made to land goods from on board such vessels, they are to be seized and proceeded against as directed by the twenty-sixth section of collection law. Lest the implication above-mentioned should not have been ob-

vious to all, I have concluded to give this further explanation.

I am, with consideration, sir, your humble servant,

ALEXANDER HAMILTON.

To the COLLECTORS of the Customs.

No. 5.

TREASURY DEPARTMENT, Oct. 6, 1794.

SIR: It appears, from communications to this department, that the expressions "equipments which are of a doubtful nature, as being applicable either to commerce or war," which occur in the fourth and fifth rules adopted by the President of the United States, which were communicated to you by the Secretary of the Treasury on the 4th of August, 1793, have been in some instances understood to tolerate the fitting and arming of vessels for defence, or for merchandise and war.

As this construction is manifestly irreconcilable with the first of the rules referred to, and with the plain tenor of the supplementary act of Congress passed on the 5th of June, 1794, for defining and punishing certain crimes against the United States, it is of importance immediately to correct an error, the operation of which is to defeat the intentions of the Government, and contravene the neutrality of the United States.

You will therefore be pleased to understand that the arming and equipping of vessels in the ports of the United States for military service, whether offensive or defensive, by any of the belligerent parties, is unlawful; and that the prohibition as effectually extends to military equipments destined for the protection and defence of a vessel and her merchandise, as to those equipments the object of which is combat or offensive hostility.

The equipments of a "doubtful nature, as being applicable either to commerce or war," which were intended by the rules of the President, and which were deemed lawful, will be best exemplified by stating certain cases which have occurred.

1st. The waste boards of vessels had been raised considerably higher than usual, and strengthened with additional timber and plank, which was understood to be preparatory to the opening of port-holes.

In this case it was determined that the equipment was of a "doubtful nature;" for until port-holes were actually opened, it could not be pronounced that there existed a military object. Port-holes have, however, been determined to be a military equipment, their use being foreign to navigation, and being merely applicable to combat or war.

2d. A French privateer procured an extra number of oars, and it was suggested that they must have been for military service, as it was entirely unusual to have so great a number for mere navigation.

It was, however, decided that this equipment was also of a "doubtful nature," an oar being

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merely an instrument of navigation, and there being no criterion by which to determine what extra number should change the nature of the equipment.

It is an established principle that we cannot, without a contravention of our neutrality, permit either of the belligerent parties to increase their force or means of annoyance or military defence within the ports of the United States, and it is essential that this principle be maintained with good faith, and according to the dictates of impartiality and reason.

A temporary absence of the Secretary of the Treasury on public business is the cause of my addressing you on this subject. It is proper that I should add, that the principles of this communication are conformable to his opinion. I am, &c.

OLIVER WOLCOTT, JR.

To the COLLECTORS of the Customs.

No. 6.

TREASURY DEPARTMENT, June 30, 1796.

SIR: By an instruction from this department, dated the 30th of May, 1793, the Collectors were informed that the "entry of vessels captured and brought into our ports by ships of war and privateers of France and of their cargoes, was to be received in the same manner, under the same regulations, and upon the same conditions, as the entry of vessels which were not prizes;" but that this privilege was not to extend to the belligerent Powers at war with France, being contrary to the seventeenth and twenty-second articles of our treaty with that nation.

The entry and sale in our ports of prizes to privateers commissioned by France, not being stipulated in our treaty as a right to be enjoyed by that nation, and there being an express stipulation in the twenty-fourth article of the late treaty with Great Britain, "that it shall not be lawful for any foreign privateers (not being subjects or citizens of either of the said parties) who have commissions from any other Prince or State in enmity with either nation, to arm their ships in the ports of either of the said parties, or to sell what they have taken, nor in any other manner to exchange the same," it has become necessary to vary the former instructions accordingly.

You will therefore observe, that hereafter vessels and property captured from the subjects of Great Britain by privateers commissioned against that nation are not to be admitted to an entry in the ports of the United States; of course, any goods or property landed therefrom will be subject to seizure as being imported contrary to law.

The Collectors will recollect that the security of the revenue and the faith of the United States are highly concerned in preventing the introduction for consumption or sale of any goods or property by prizes to privateers; when such vessels appear in our ports, they will, therefore, cause extraordinary care and vigilance to be observed.

The twenty-second article of our treaty with France, and the twenty-fourth article of our

treaty with Great Britain contain stipulations that privateers commissioned against either of the parties shall not be allowed to purchase more provisions than shall be necessary to their going to the nearest port of that Prince or State from whom they obtained commissions; if, therefore, the privateers of either nation exceed what is permitted in this respect, immediate reports are to be made to the Governor of the State and Attorney of the district. I am, &c.

OLIVER WOLCOTT, JR.

To the COLLECTORS of the Customs.

No. 7.

TREASURY DEPARTMENT, May 25, 1805.

SIR: I have to request your attention to the fourth section of the annexed act of Congress, entitled "An act for the more effectual preservation of peace in the ports and harbors of the United States, and in the waters under their jurisdiction," passed on the 3d of March, 1805.

As the commanders of public armed vessels are thereby directed in every instance to report their vessels to the Collector, a duty from which they were heretofore exempted by the thirty-first section of the collection law, the President directs that whenever such a vessel shall arrive, you will inform the commander, either in person, or in writing, or by message delivered by the surveyor, or by the captain of the revenue cutter, of this new provision, and request him to make report. This report will be only a statement of the name of the vessel, country, and commander, of the force of the vessel, of the port from which arrived, and, in the words of the act, of the object of his entering the harbor. It may be made either verbally to yourself, or other revenue officer notifying the commander of the vessel, or in writing; and the provision being a new one, you will be careful, whilst you carry the same into effect, that the officers and flags of all nations shall be treated with respect.

You will continue to enforce the regulations made by the State, health, or quarantine laws; and if, by the laws of the State or port regulations, already in force, a certain position in the harbor has been assigned to armed vessels, you will conform therewith. You may also, if you shall think it of urgent necessity, make temporary regulations for that object, if none yet exist; but it will be more eligible that you should in the first instance report your opinion thereon to this office for the President's consideration and decision. General instructions cannot be given on that point, as, if necessary, they must vary according to the situation of the harbor; and you will be pleased to state whether any, and, if any, what restrictions appear to you proper to be established both on that subject and in relation to the intercourse between such ships and the shore.

The President has not thought it proper to lay for the present any new restrictions on the admission, stay, or departure of armed vessels. But all the instructions heretofore given on that subject, and particularly to those which relate to

Spain, France, and Great Britain.

equipments, to privateers, and to prizes, must be considered as being still in force.

In case of refusal or neglect to conform with the regulations prescribed, you will be pleased to make an immediate report thereof to this office, I have, &c.

ALBERT GALLATIN.

To the COLLECTORS of the Customs.

SPAIN.

[Communicated to the House, February 9, 1810.]

To the House of Representatives of the United States:

I transmit to the House a report of the Secretary of State, complying with their resolution of the twenty-second of January.

JAMES MADISON.

FEBRUARY 9, 1810.

DEPARTMENT OF STATE.
February 8, 1810.

The Secretary of State, to whom the President has been pleased to refer the resolution of the House of Representatives of the 22d of last month, has the honor to state, that it appears from the records in this Department, that in the years 1801 and 1802, the Executive had endeavored to obtain for the citizens of the United States, residing on the waters of Tombigbee and Alabama rivers, the free navigation of the Mobile river to its confluence with the ocean. 1st. By claiming this navigation as a natural right, sanctioned by the general principles of the law of nations, applicable to rivers similarly situated; and 2d, By endeavoring to purchase the country held by Spain on the Mobile.

These efforts were made, before it was known that Spain had ceded Louisiana to France, and consequently before the purchase of that province by the United States. Since that purchase, the country held by Spain on the Mobile has been claimed as being included therein.

The Spanish Government having objected to this claim in a manner which justified a belief that the question would not soon be decided, our Minister at Madrid was instructed again to claim the free navigation of the Mobile, under the general principles of the law of nations, and to represent to His Catholic Majesty the propriety and necessity of giving orders to his officers not to interrupt the free communication with our territories through the waters of the Mobile.

In addition to what has been done through this Department, it appears that the Governor of the Orleans Territory, and other officers of the United States, have endeavored to induce the Spanish authorities on the Mobile to abstain from exacting duties on the passage of our merchandise or produce up or down that river. Notwithstanding, however, everything which has been done, it is understood that these authorities have continued to exact (with some occasional relaxations) a duty of twelve per cent. "on all articles

of the growth or manufacture of the United States, which are conveyed through said river to and from the city of New Orleans."

All which is respectfully submitted.

R. SMITH.

FRANCE AND GREAT BRITAIN.

[Communicated to the House, February 19, 1810.]

To the House of Representatives of the United States:

I transmit reports of the Secretaries of State and of the Treasury, complying with their resolution of the 6th instant.

JAMES MADISON.

FEBRUARY 17, 1810.

DEPARTMENT OF STATE,
February 14, 1810.

Agreeably to a resolution of the House of Representatives of the fifth instant, requesting the President of the United States to cause to be laid before that House copies of the several communications made to the Governments of France and Great Britain, in pursuance to the authorities vested by Congress in the Executive, with respect to the several orders and decrees of either, violating the lawful commerce and neutral rights of the United States, except such parts as may, in his judgment, require secrecy; and also to communicate to the same House such information as he may have received touching the forgery of papers purporting to be those of American vessels; the Secretary of State has the honor of laying before the President the following papers, viz:

1. Extract of a letter from Mr. Smith, Secretary of State, to General Armstrong, Minister Plenipotentiary of the United States, at Paris, dated March 15, 1809.

2. Copy of a note from General Armstrong to Count Champagny, Minister of Exterior Relations at Paris, dated 29th April, 1809.

3. Extract of a letter from Mr. Smith to Mr. Pinkney, Minister Plenipotentiary of the United States at London, dated March 25, 1809.

4. Extracts of a letter from Mr. Pinkney to Mr. Smith, dated May 1, 1809.

A. Extracts of a letter from John M. Forbes, Consul of the United States at Hamburg, to Mr. Madison, Secretary of State, dated 13th November, 1807.

B. Extracts of a letter from Mr. Lee, commercial agent of the United States at Bordeaux, to the same, dated November 1, 1808.

C. Copy of a letter from Mr. Hackley, Consul of the United States at St. Lucar, to Mr. Smith, dated Cadiz, 23d March, 1809.

D. Sundry original documents belonging to and concerning the ship Aurora of New York.

E. Extract of a letter from Mr. Harris, Consul of the United States at St. Petersburg, to Mr. Smith, dated 13th [25th] October, 1809, covering certain papers belonging to the ship called the Georgia, of New York.

Relations with France and Great Britain.

F. Extracts of a letter from John M. Forbes, dated November 7, 1809, to Mr. Smith, covering the forged sea-letter of the ship *Arno*, of Boston, dated August 21, 1809; also, a letter of the same date, signed Stephen Higginson and Co. to Captain William Kempton.

G. Extract of a letter from William Kirkpatrick, Consul of the United States at Malaga, to Mr. Smith, dated November 25, 1809.

It may be proper, moreover, to state, that various other communications have been received at this Department from the agents of the United States in foreign countries, which mention that the practice prevails of forging American ships' papers and documents; but as they do not afford any details, they are not included in this report, which is respectfully submitted.

R. SMITH.

[For the correspondence between the Secretary of State and the Ministers of the United States in Paris and in London, communicated by this Message, see *ante*, pages 2115 to 2131.]

A.—Extracts of a letter from John M. Forbes, Consul of the United States at Hamburg, to Mr. Madison, Secretary of State, dated

NOVEMBER 13, 1807.

Two days ago, the chief of the French douaniers, M. Eudel, having, from the circulating rumors of the town, reason to suspect that an American ship, the *Lucy*, Captain Jesse Englee, entered as coming from Norfolk, had come from England, proceeded to examine the crew; notice of this was given to me by the captain, who had also consigned his ship and freight to me, the cargo being addressed to Messrs. Osgand & Co. of this city; but having always refused to acknowledge the authority of the French douaniers, I declined being present in any official character, and, as the commercial correspondent of the captain, sent my chief clerk on board to render such assistance as might be proper. The examination did not take place on board at the time appointed, but at a later hour, at the house of M. Eudel. My clerk was not present, but I afterward learned that the mate and crew had all sworn that the ship came from London. As soon as I learned this, I wrote the captain a letter disclaiming all further individual agency in this business.

I examined more closely the papers of the ship *Lucy*, and convinced myself, by comparison of hands, that the signatures both of the President and your Excellency to the sea-letter, were both evidently forged.

B.—Extracts of a letter from Mr. Lee, Consul of the United States at Bordeaux, to the Secretary of State, dated

NOVEMBER 1, 1808.

I have been long in expectation that the President would have instructed the Consuls to detain in their hands the papers of all American vessels found in their district after the embargo, unless they were bound directly to the United States.

A determination of this nature would have done but little or no injury to our merchants, and put a stop to the practice of the English, who send shoals of American vessels from their ports, whose owners never saw America, and whose papers are manufactured in London.

Ten vessels, suspected of having been expedited in this way from London, lately arrived in the river Charente, as coming from Norway, and were admitted by the custom-house. I sent an agent over to Charente, to examine into the state of these vessels, whose report confirmed my suspicions. I immediately wrote General Armstrong on the subject; but, fearing delays might be injurious, I set out for La Rochelle, and, on my arrival at Blaize, learned that some of the crews of these vessels had betrayed their captains, and that the whole of them were seized by this Government, and the crews imprisoned.

It is proper to state to you, sir, that our vessels' papers, with all their private marks, are so completely copied in London, that it is almost impossible to detect them.

C.—Richard S. Hackley, Consul of the United States at St. Lucar, to the Secretary of State.

CADIZ, March 23, 1809.

SIR: Your Department has no doubt been informed that the practice prevails in London of forging all kinds of papers that appertain to shipping of the United States, to which may be added passports from the Department of State, certificates of naturalization, &c., some of which are well executed, so much so, that the fraud very generally passes without being detected. By this means, a considerable trade has been carried on last year *under our flag*, by British shipping, particularly to Russia and South America, and British subjects have passed wherever their business called them. Protected by these papers, our countrymen have but in too many instances found similar frauds to answer their own purposes under the state of things as they now are, and have for some time been in Europe.

The name of the person in London, who is the great dealer in this species of speculation, is Van Sander, and with this note, I cover you a sample of his execution in a set of papers received from an American citizen here, from whom I demanded them upon being informed that he had them. To you the propriety will occur of taking some immediate step to correct this evil, which, from its increasing practice, is becoming of serious importance in many points of view.

With much respect, &c.

RICHARD S. HACKLEY.

D.—Statement of the Collector of Boston respecting ship *Arno*.

The ship *Arno*, of Duxbury, burden 197 7-95, owned by Jacob Weston, of Duxbury, in the district of Plymouth, State of Massachusetts, and William Kempton, and John Perry, of Boston, State aforesaid, William Kempton, master; clear-

Relations with Denmark.

ed from the district of Boston and Charlestown, on the 17th day of June, 1809, for Bremen, loaded with eight hundred and four barrels pearl ashes, weighing 3,350 cwt., and three hundred and forty-nine barrels of pot ashes, weighing 1,219 cwt., being the whole of her cargo. A bond was taken that the said vessel should not proceed to a port in France or its dependencies, in the penalty of eighty thousand dollars. A certificate has been returned of the landing of the cargo aforesaid, at London, signed by Samuel Williams, merchant, and William Lyman, Consul at London. Her register was granted at Plymouth, on the 17th day of May, 1809, No. 27; and she had from this office a Mediterranean pass, dated 17th June, 1809, No. 87; and all other papers requisite.

The ship *Arno* is now in this port, and Kempton, her late master. H. D.

E.—Extract from a letter of Levett Harris, Consul of the United States at St Petersburg, to Mr. Smith.

ST. PETERSBURG, Oct. 13, [25] 1809.

I transmit you herewith the papers of a vessel called the *Georgia*, of New York, arrived at Archangel from New York, the register whereof proving false, all the other papers I judge alike to be the same, and she has, therefore, been condemned by this Government. Another vessel called the *Intercourse* has shared the same fate; but the Ministry have not yet sent me the papers.

F.—Extracts of a letter from John M. Forbes, Consul of the United States at Hamburg, dated

TONNINGEN, November 7, 1809.

I have lately met with a circumstance which has embarrassed me much. The ship "*Arno*," Captain Kempton, of Boston, known to have left that port on the 18th (17th) of June, with a cargo of pot and pearl ashes, lately arrived here with a cargo of gum.

I herewith enclose the sea-letter which Captain Kempton confessed to me he knew to have been forged, and which he said he had reason to believe was executed by one Van Sander, a Jew, near Whitehall, in London, who is known in the traffic of false American documents. I also enclose the original letter of instructions of Messrs. Stephen Higginson and Co., owners of the cargo.

BOSTON, August 21, 1809.

DEAR SIR: You being master of the ship *Arno*, loaded by us, and now ready for sea, we have to request that you will proceed to the port of Tonnigen as soon as possible, where you will inquire for the agents of Messrs. Parish and Co. of Hamburg, to whom your cargo is consigned. You will, of course, receive instructions from those gentlemen how to proceed as to landing your cargo, &c., and you will please to follow them. It is important to yourself, as well as us, that you do nothing to violate the laws of any of the belligerents; in which case you will not be likely to meet with any interruption in your voyage. Wishing you a pleasant passage and safe return, we are, sir with esteem, your friends and servants.

STEPHEN HIGGINSON & Co.

Capt. WILLIAM KEMPTON.

G.—Extract of a letter from Mr. Kirkpatrick, Consul of the United States at Malaga, to Mr. Smith, Secretary of State, dated

NOVEMBER 25, 1809.

A few days ago the brig *Uforsight*, Christian Boden, master, arrived here from Poole, with a cargo of bale goods and fish. Although her papers appear to be in perfect order, some doubts exist in my mind of their legality. I have consulted with some citizens of the United States actually here, and they agree with me in opinion, that the signatures of the President, yours, collector of New York, and of Joseph Nourse, are so well done, that it is impossible to discover any difference. Under this impress, I have determined to pass you a note of the ship's papers, that if they are really false, you may take such measures as you consider proper for having them seized on by the Consuls in Europe where the vessel may be found.

NOTE.—The ship's papers alluded to are found to have been forged.

DENMARK.

[Communicated to the Senate, April 2, 1810.]

To the Senate of the United States:

I transmit to the Senate a report of the Secretary of State, complying with their resolution of the 22d instant.

JAMES MADISON.

MARCH 30, 1810.

DEPARTMENT OF STATE, March 29, 1810.

SIR: I have the honor to transmit herewith copies of all the letters on file or record in this Department, which relate to the subject of the resolution of the Senate of the 22d instant.

It may be proper to observe, that the papers referred to in the letter of the Secretary of State of the 26th of November, 1800, are not now to be found in this Department. I have the honor to be, &c.

R. SMITH.

The PRESIDENT of the United States.

Extract of a letter from J. Marshall, Secretary of State, to Richard Soderstrom, Esq.

NOVEMBER 26, 1800.

SIR: I have received your letters of the 24th and 25th instant, accompanying one from the Governor General of the Danish West India islands, bearing date of the 6th of August last.

Be assured, sir, that the Government of the United States respects, as it ought to do, the friendship and flag of His Danish Majesty, and will not intentionally commit an act which may insult the one, or diminish the other. If, in any instance, our cruisers have violated a really neutral flag, they have, in doing so, departed from the instructions under which they sail.

It is not, however, to be disguised, that means have been devised by which the Danish flag has

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been used in the West Indies for purposes which we believe His Danish Majesty would not countenance.

I have communicated the letters from yourself and the Governor General of the Danish West India islands, to the Secretary of the Navy. He informs me that Lieutenant Maley has been dismissed the service principally on account of the improper manner in which he has conducted himself towards neutrals.

With respect to the particular case of the Mercator, it is certainly advisable to prosecute an appeal. If she was really a neutral bottom, she will not, it is presumed, be condemned. Without deciding absolutely that the United States will or will not consent, when the case shall be ultimately decided, to pay for the vessel and cargo if confiscated, we are certainly not sufficiently informed at present to take any responsibility on ourselves, in the event of an unfavorable issue of that affair.

Extract of a letter from Mr. Richard Soderstrom to the Secretary of State.

WASHINGTON, June 10, 1801.

I had the honor of laying before the late Administration of the Government of the United States my respectful complaints of certain irregularities and violations of the Danish flag, which had been committed by some officers of the American Navy, whilst this country was engaged in maritime hostilities with France. My representations were listened to with the attention which the subject required, and I had every reason to expect that justice, such as becomes this respectable nation, would be done to the parties aggrieved. The changes which have lately taken place in the Executive Department have suspended for a while the effects of my application, but have not diminished my prospect of success. I have a sure pledge of it, in the virtues of the great character who now fills the Presidential chair, and in the talents and integrity of those in whom he has placed his confidence. I flatter myself that the adjustment of the past will suffer so much the less difficulty, that the possibility of any future ground for similar complaints is now entirely removed by the restoration of amity between the United States and the French Republic. With full confidence, therefore, in the magnanimity and justice of the American Government, I shall now beg leave to draw your attention to three cases of capture of Danish vessels, in which, I conceive, that the sufferers have a right to claim a just indemnity from the Government of the United States.

The first case is that of the schooner Mercator, Captain Toussaint Lucas, the property of Mr. Jared Shattuck, an old established burgher of the island of St. Thomas, and subject of His Danish Majesty. This vessel being on her way from St. Thomas to St. Domingo, duly documented as a Danish vessel, was captured on the high seas by Captain Maley, of the armed schooner of the United States, Experiment, under the real or pre-

tended suspicion of her being an American vessel, covered by Danish papers; a suspicion, sir, which nothing could warrant, unless it were the English sounding name of the vessel and her owner—a circumstance common to most vessels of the Danish islands. Two days after she had been captured, she was met with by a British armed ship, who took and carried her into Jamaica, where she was condemned as prize, without any reasons whatever being assigned for her condemnation.

I had the honor of writing at large, to the late Secretary of State, respecting that particular case, on the 24th of November last. I beg leave to refer you to that letter, and those which followed it, copies of which go herewith. In those letters I urged the claim of Shattuck to an indemnification on the following grounds:

1st. Because, by the law of nations, no country has a right to violate a friendly flag, or to arrest the vessels of other nations on the high seas, on suspicion of their having infringed a purely municipal law, such as the late act for suspending the intercourse between the United States and France. There is but one instance in history of a claim to such a right having been set up by any Power. It was when Spain, in the year 1739, searched the vessels of other nations, particularly those of England, on suspicion of their being engaged in a contraband trade with her colonies; nay, she only assumed to search them within a certain distance from her coasts, where she might have claimed a kind of jurisdiction.

Nevertheless, this pretension was the cause of a long and bloody war between the two countries, and Spain was at last obliged to give up the point. The speeches of the great Lord Carteret, in the British House of Peers, on that occasion, contain the most convincing argument in favor of the doctrine which England succeeded in establishing for the benefit of the world.

2d. Because the act of Congress, on which the seizure was pretended to be founded, did not in any manner authorize it, as it only authorized the seizure on the high seas of vessels of the United States; a technical expression, clearly excluding vessels sailing under the flag and authority of other Powers.

3d. Because the vessel being unarmed, there was no pretension for seizing her as an enemy vessel; nor, indeed, could the cruisers of the United States seize a neutral vessel under any suspicion, by the *jus belli*, as no war between the United States and any country had been declared and notified to the neutral Powers, nor did the limited kind of undeclared warfare in which the United States were then engaged authorize any such seizure.

4th. Because, if the vessels of the United States had a right to seize Danish vessels, and carry them into port for legal adjudication, they were bound to protect them until they reached the port to which they were carrying, and not to suffer them to be wrested from them by the vessels of any Power.

5th. Because it is a doctrine fully established, that the captors of neutral vessels proceed at their

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peril, and are responsible for all consequent injury and loss; and so it was determined by the Supreme Court of the United States, in the case of *Delcole Arnold, 3d Dallas' Reports, 334.*

These and other arguments, (and amongst them was this, that no appeal had or could be made by Mr. Shattuck, and if the same was not made within a certain time all would be lost,) which I urged partly by letters and partly in the course of conversation with General Marshall, appeared to him so convincing; that, before he retired from office, he had given me reason to expect that Mr. Shattuck would receive from the Government of the United States the indemnity to which he is so justly entitled. I have no doubt that the same principles of justice will be found to animate his successor. The war which has lately broken out between England and Denmark leaves no hopes whatever of obtaining any satisfaction from that quarter.

Copy of a letter from the Secretary of State to Richard Soderstrom, Esq.

JULY 23, 1801.

SIR: I have been honored with your letter of the 20th. requesting to know the determination of the Executive on the cases of three Danish vessels explained in your letter of the 10th ult.

Should the Executive, on an investigation of those claims, be satisfied that compensation is due to the Danish subjects, on whose behalf they are made, it must be sanctioned by an appropriation of the Legislature. But the general usage requires that redress should be first prosecuted judicially, and, if not thus obtained, and the obligations of the United States should be found, nevertheless, to demand that compensation should be made, the circumstances of each case will be so clearly ascertained in the judicial process, as to enable the Government to do justice both to itself and to others. I have reason to conclude that this course will be the more satisfactory to you, as your observation will have convinced you of the scrupulous regard to the rights of foreigners by which our courts of justice are distinguished. I have the honor to be, &c.

JAMES MADISON.

From Mr. Soderstrom to the Secretary of State.

PHILADELPHIA, August 10, 1801.

SIR: I have received the letter you have honored me with, dated the 23d ultimo. I was well aware that the Executive of the United States could not pay the indemnities claimed by the Danish subjects, until appropriations were made by the Legislature for that purpose.

I thought, however, that in the mean time the principles applying to each particular case might have been agreed upon. and the damages liquidated in some amicable mode, as is frequently done in Europe, and has been practised by the American Government, while the present President was Secretary of State, particularly in the case of the *William*. No one can feel a higher respect than I do for the universally acknowl-

edged learning and integrity of the judges of the United States; at the same time, I cannot help considering it as a peculiar hardship for His Danish Majesty's subjects to be compelled to have recourse to tedious and expensive judicial proceedings, when the United States have in their power a more easy method of doing justice; and I hope you will forgive me, sir, if I presume to differ with you as to the point of general usage in this particular.

At the same time, I am fully sensible that it is my duty to submit to the determination which the Government of the United States has made upon this subject, although my doing so will be attended with considerable hardship and difficulty, particularly in the case of Captain Maley, who, I understand, is not only insolvent, but absent from the United States.

I presume, however, that the Government of the United States will have no objection to facilitate my obtaining justice in the mode which they have chosen, by instructing Mr. Attorney for the Pennsylvania district, or, if they think proper, Mr. Attorney for the District of Columbia, to appear for the United States, and defend the suits I may think proper to institute for the several claimants. Should they accede to this proposal, I am sure that they will not lengthen the proceedings by unnecessary appeals; but that the matters in variance will be settled in as short a time as the judicial mode of investigation will admit of.

I beg you will honor me with an answer to this part of my letter, that I may determine, without loss of time, on the course which I shall have to pursue.

I have the honor to be, with great respect and high consideration, sir, your obedient servant,
 RICHD. SODERSTROM.

Copy of a letter from the Secretary of State to Richard Soderstrom, Esq.

OCTOBER 27, 1801.

SIR: In relation to the complaints you have preferred in several instances of capture and recapture of property alleged to be Danish, against the commanders of American public ships of war, it is my duty to inform you that, with the sincerest desire to avoid anything which may procrastinate a decision, and under a just impression of the candor and liberality which your manner of acting would bring into the discussion, we are, nevertheless, restrained by the necessity of adhering to useful and established forms, to consider the Minister resident of Denmark as the only proper organ of the Danish subjects in making their reclamations. Whatsoever regards the solicitation of their business, in a judicial form, after principles are established with the Government, may, however, be confided to your management, by Mr. Olsen, with great propriety, in the usual legal methods. In the mean time, I beg you to be assured of the high respect with which I have the honor to be, &c.

JAMES MADISON.

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Mr. Olsen to the Secretary of State.

PHILADELPHIA, Jan. 16, 1802.

SIR: Mr. Soderstrom has had the honor of writing to you on the subject of the Danish schooner Mercator, which was unlawfully captured on the high seas by Captain Maley of the United States' armed schooner Experiment, and afterwards lost by capture from a British armed vessel while under the protection of the American flag. He represented to you, that Captain Maley being out of the United States, and in a state of insolvency, it was impossible for the owner of the captured property to seek his redress against him, and requested that this Government would point out some mode by which satisfaction might be obtained.

In this state of things, sir, it becomes my duty to interfere on behalf of one of His Majesty's subjects, who appears to have greatly suffered in consequence of such conduct of a commissioned officer of the United States. The American Government cannot but be sensible that the capture of that vessel was an unjustifiable violation of the flag of a friendly nation, and that a reparation is due to the party injured; permit me, therefore, sir, to urge Mr. Soderstrom's request, that some mode may be pointed out, by which the amount of this loss may be ascertained, so that the party may receive full and complete reparation for the injury which he has sustained.

I am, with great respect, &c.

BLICHER OLSEN.

HON. JAMES MADISON, *Secretary of State.*

Extract:—Mr. Olsen to the Secretary of State.

APRIL 12, 1802.

SIR: In a letter I had the honor to write you on the 16th of January last, I took the liberty to lay before you an official note, stating the particulars concerning the claims of one of the King's my master's subjects, against Captain Maley, commander of the United States' armed schooner Experiment, for having unlawfully captured, and afterwards allowed to be recaptured by a British armed vessel from under his protection, the Danish schooner Mercator; and further, as the said Captain Maley was found to have left the United States, requesting that this Government would point out some mode by which the owner of the captured property might obtain justice and reparation for the loss and injury he has sustained.

Though deeply lamenting the necessity of pressing on the precious moments of your time, devoted to so vast a number of other pressing occupations and duties, I feel it nevertheless indispensably incumbent upon me to torment you once more on this subject, and to repeat my demand to be favored with an answer acquainting me with the means employed in order to secure to an injured countryman of mine such indemnification as the impartial laws of this country may deem him entitled to.

Being yourself, sir, placed in a station which gives you a right to prescribe and to expect simi-

lar exertions in similar cases, from agents appointed under your directions, so far from apprehending any displeasure on your part by this my repeated zeal, I rather flatter myself to meet your generous approbation; and beg leave to assure you, sir, that a true sentiment of personal esteem for your generally acknowledged principles has been on this occasion, and shall henceforth constantly be, an additional and powerful inducement to me for the most vigilant performance of my duties.

I am, with great respect, &c.

BLICHER OLSEN.

HON. JAMES MADISON, *Secretary of State.*

Extract:—Secretary of State to Mr. Olsen.

DEPARTMENT OF STATE, April 23, 1802.

SIR: Your letter of the 12th instant, preceded by that of January 16th, has been duly received. The case of the Mercator, which is the subject of both, having been referred, with many other subjects, to the Attorney General, some time elapsed before I could avail myself of the benefit of his observations; and as an apology for the subsequent delay, I must ask you to accept the pressure of business incident to the present season, with some adventitious circumstances, which have contributed to the same effect.

According to the usual course, injuries committed on aliens as well as citizens ought to be carried, in the first instance at least, before the tribunals to which the aggressors are responsible. In these, the facts can be best investigated, and the points on which the question depends be most fully brought into view. In the case of the Mercator, it is the more proper that this course should be pursued, as the circumstances stated in the documents give so imperfect a view of it. Notwithstanding the absence of Captain Maley, a resort of this kind can be effected by proper instructions to an Attorney of the United States, which will be given as soon as you shall be pleased to signify the district in which you wish the judicial proceeding to be instituted.

In the mean time, as it may be made an eventual question, distinct from the conduct of Captain Maley, how far the capture of the Mercator, whilst in the custody of the American prize-master and flag, by a British armed ship, the General Simcoe, ought to make the United States rather than Great Britain liable to the Danish claimants, the most candid consideration will be given to whatever observations you may please to make with a view to show that, under such circumstances, the law and usage of nations justify the pursuit of redress against the United States, instead of the positive authors of the injury. By that law and the usage authorized by it, the decisions of the President will be scrupulously guided, &c. &c.

Accept, sir, the sincere esteem and consideration with which I have the honor to be, &c.

JAMES MADISON.

PETER BLICHER OLSEN, Esq.

Great Britain—American Seamen.

Mr. Olsen to the Secretary of State.

PHILADELPHIA, June 6, 1802.

SIR: In your letter of the 22d April, you have been pleased to observe sir, in answer to mine of the 12th of the same month, concerning the capture of the Danish ship *Mercator*, by Captain Maley of the United States, that proper instructions should be given to an attorney, as soon as I had signified the district in which I wished the judicial proceeding to be instituted.

As for the present moment I reside in the city of Philadelphia, where I shall be at hand to give instructions to counsel, I take the liberty to propose, that the case may be investigated in the district court of Pennsylvania, which I suppose will be so much more eligible in point of locality, as it is the State where Captain Maley resided at the time of the capture, and in which he may in his absence, perhaps, be most legally sued.

I have the honor to be, &c.

BLICHER OLSEN.

HON. JAS. MADISON, *Sec'y of State.*

From the Secretary of State to A. J. Dallas, Attorney for the District of Pennsylvania, dated

JUNE 15, 1802.

SIR: Mr. Olsen, the Danish Minister Resident, has complained of Captain Maley in capturing a Danish vessel, the *Mercator*, which was afterwards lost by capture, while under the American flag, by a British armed vessel, and condemnation in a British Court of Admiralty. He has represented, also, in behalf of the Danish owner, that Captain Maley is both absent from the United States and in a state of insolvency, and requests that the proper mode of redress may be pointed out.

He was informed, that, notwithstanding the absence of Captain Maley, a judicial investigation of the case could be effected through an attorney of the United States, and that the necessary steps would be taken as soon as he should signify the district preferred by him.

I have just received an answer from him, requiring that the judicial proceedings may be had in Philadelphia.

You will please, therefore, sir, to concur in instituting the proper proceedings, by appearing in behalf of Captain Maley, in whose defence the United States are interested.

I enclose, for your information on the subject, the protest of the second lieutenant, under Captain Maley, who was prizemaster of the *Mercator*, and of another person belonging to the *Experiment*; and also the decree of the British Court of Vice Admiralty which condemned the *Mercator*. These are the only documents which I am able to forward for the purpose. I am, very respectfully, &c.

JAMES MADISON.

Mr. Pedersen to the Secretary of State.

PHILADELPHIA, Dec. 11, 1806.

SIR: In consequence of a letter received from the Governor General of His Danish Majesty's

West Indian islands, respecting the case of Jared Shattuck, a Danish subject and burgher of the island of St. Thomas, owner of the schooner *Mercator* and cargo, requiring me to represent the same, in order to obtain from the American Government that compensation for his losses which the Supreme Court of the United States, during its last session, awarded in the sum of \$33,864 35, I have now the honor, sir, to recommend this case to your special support and protection; and I cannot but flatter myself that my application to you on this occasion will be attended with the fullest success, when it is considered that the case in question has gone through a legal investigation, and that the highest tribunal of justice in the United States has decreed the above sum for damages and restitution. But I abstain from making any other observation on this subject, since it appears, from your report to the House of Representatives of the 9th April last, that, taking into consideration all the circumstances attending this case, as well as what the Legislature has done in similar cases, it is your own opinion that provision ought to be made for the payment of that sum and the costs of the petitioner. Congress being now in session, I hope it will adopt a resolution founded on this representation of the case, and that the result will afford a convincing proof to my Court that the friendly disposition of the Government of the United States perfectly corresponds with that which the King my master always has manifested towards them.

I avail myself, with pleasure, of this opportunity for presenting to you assurances of the very distinguished consideration and respect with which I have the honor to be, sir, your most obedient, humble servant,

PETER PEDERSEN.

GREAT BRITAIN.—AMERICAN SEAMEN.

[Communicated to the House, April 5, 1810.]

To the House of Representatives of the United States

I transmit to the House a report of the Secretary of State, complying with their resolution of the 26th March.

JAMES MADISON.

APRIL 4, 1810.

DEPARTMENT OF STATE, April 4, 1810.

Agreeably to a resolution of the 26th March, requesting the President of the United States to cause to be laid before that House such information as he may have received, touching the impressment of American seamen, which has been communicated to the Department of State since the last report made to the Senate, in virtue of a resolution of that body, bearing date the 30th of November, 1807, the Secretary of State has the honor to report to the President, that accounts have been received at this Department, exclusively of those reported by the agents of the United States, of the impressment of four hundred and sixty-two seamen, from vessels under the American flag, into armed vessels under the Brit-

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ish flag, since the period referred to; that, of this number, two hundred and thirty-five are proved, by documents in this office, to be citizens of the United States, and the most of the rest claim also to be American citizens.

The Secretary has likewise the honor to submit the abstract marked A, of all the returns received at this Department from Gen. Lyman, the agent of the United States in London, exhibiting a statement of all the applications made by him to the British Government for the discharge of American seamen, from the 1st October, 1807, to the 31st March, 1809, and showing the result of these applications.

The returns from the agents in the West Indies are very incomplete; those actually received from them, since the report to the Senate, containing an account of forty-two impressments only from American into British vessels.

The Secretary submits herewith an extract of a letter from G. T. Ladico, (marked B,) acting as Consular Agent of the United States at Port Mahon, on the subject embraced by the resolution of the House. Respectfully submitted.

R. SMITH.

A.—An abstract of the returns or lists, received from General Lyman, of American seamen and citizens who have been impressed and held on board His Britannic Majesty's ships of war, from the 1st of October, 1807, to the 31st of March, 1809, showing the result of his applications to the Admiralty for their discharge.

Seamen discharged, &c.

Discharged and ordered to be discharged	- 287
Duplicate applications - - - -	- 30

Refused to be discharged.

Having no documents - - - -	- 11
Said to be born in England or Ireland - -	- 91
Having voluntarily entered - - - -	- 34
Married in England or Ireland - - - -	- 7
Exchanged as a prisoner of war - - - -	- 1
Being totally ignorant of the United States -	- 5
Being deserters - - - - -	- 4
Being taken in privateers - - - - -	- 5
Not being Americans - - - - -	- 2
Being impostors, with fraudulent protections	11
There being no ground to believe them American citizens - - - - -	- 2
Being taken when defrauding the revenue -	- 2
Having erased protections - - - - -	- 2
Having been sent into His Majesty's service by the masters of the vessels to which they belong, for mutiny - - - - -	- 2
Protections taken from them - - - - -	- 4
Being Irishmen, and having been sent into His Majesty's service by the civil power, for misdemeanors - - - - -	- 2
Not answering descriptions given in their protections - - - - -	- 44
Being a prisoner of war - - - - -	- 1
Being born in the West Indies - - - - -	- 3
Being a native of Canada - - - - -	- 1
Being a native of Hanover - - - - -	- 1

Documents insufficient—refused discharge.

Protections from Consuls and Vice Consuls	64
Notarial and other affidavits made in U. S. -	29
Discharges from King's ships - - - -	- 4
Collectors' protections - - - - -	- 8
Documents from the Department of State -	15
Certificate of birth - - - - -	- 1

Other miscellaneous cases.

Not on board the ships as stated - - - -	- 23
Deserted - - - - -	- 32
Drowned - - - - -	- 1
Stated to be on board ships not in commission	1
Stated to be on board ships on foreign stations	48
Referred to the Transport Board - - - -	- 1
Applications unanswered - - - - -	- 103
Invalided - - - - -	- 21
Total - - - - -	- 903

B.—Extract of a letter from G. T. Ladico, Consular Agent of the United States at Port Mahon, to the Secretary of State, dated

DECEMBER 10, 1809.

I find myself under the necessity to inform you, that several American seamen, impressed and detained in some English men-of-war, have applied to me in order to obtain from their respective commanders their liberty, that they might return to the United States. The want of a Consul General in the Balear islands, since the departure of John Martin Baker, Esq., late Consul, who did me the honor to appoint me Vice Consul in this island, and my zeal for whatever concerns the advantage of the citizens of the United States in every regard, have induced me to officiate with Admiral Lord Collingwood on account of said claims, to which he answers, dated Port Mahon, the 4th December, 1809:

"All applications relative to subjects of the United States, who may be serving in the fleet under my command, should pass through the American Minister in London, before I take cognizance of them."

STATE OF THE FINANCES.

[Communicated to the Senate, the 2d of June, 1809.]

TREASURY DEPARTMENT, June 1, 1809.

In obedience to the directions of the act supplementary to the act, entitled "An act to establish the Treasury Department," the Secretary of the Treasury respectfully submits the following report:

The net revenue arising from duties on merchandise and tonnage, which accrued during the year 1807, amounted, as appeared by the last annual statement, to \$16,060,000.

A correct statement of that revenue, for the year 1808, cannot be prepared at this time, but may be estimated, as will appear by the estimate A, to about \$10,270,000.

The revenue arising from the same sources,

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which accrued during the first quarter of this year, did not much exceed one million of dollars; and although considerable importations may be expected from Great Britain and the West Indies, during the last six months of this year, yet, considering that there will be no arrivals from China and the East Indies, and the situation of the commercial intercourse of the United States with the rest of the world, it is not probable that the revenue, accruing during the year 1809, will exceed that of the year 1808.

The specie in the Treasury, on the 1st October, 1808, amounted to - - \$13,846,717 52
And the receipts, during the last three months of that year, as appears by the statement B, to 3,586,316 99

17,433,034 51

The disbursements, during the same period, have amounted, including \$6,105,000, paid in reimbursement of the principal of the public debt, to - - - \$7,491,339 79

Leaving a balance in the Treasury, on the 1st January, 1809, of - 9,941,694 72

17,433,034 51

The cash in the hands of collectors and receivers, and the outstanding revenue bonds, amounted, on the 1st January, 1809, to - - \$9,880,000

From which, deducting for the expenses of collection and for the drawbacks payable during the year 1809 3,000,000

Leaves, for the probable receipts of the year 1809, exclusively of the inconsiderable sums which may be received on account of the revenue accruing during that year, a sum of 6,880,000

Making, together with the balance in the Treasury, on the 1st of January, 1809, of - - - 9,941,000

An aggregate of sixteen millions eight hundred and twenty one thousand dollars, applicable to the expenditures of this year - - - \$16,821,000

The expenses of the year 1809 are, in conformity with the existing appropriations, estimated at fourteen millions five hundred thousand dollars, consisting of the following items:

Civil list, including the expenses of this session of Congress, miscellaneous expenses and foreign intercourse - - - \$1,342,000

Military and Indian departments, viz:
Appropriation for the Army and the Indian department - 2,765,000
Do. for fortifications - 475,000
Arms and military stores 550,000

3,790,000

Naval Department, this year's appropriation - - - 2,915,000

Public debt (\$1,547,000 of the appro-

priation of \$8,000,000 for the year 1809, having been paid in advance in the year 1808, in order to effect the reimbursement of the whole of the eight per cent. stock) - - 6,453,000

\$14,500,000

It must, however, be observed, that the estimate of the sums, payable in the course of this year, on account of drawbacks, is conjectural; and that the exportations, particularly of colonial produce, would, if the restrictions laid by the Continental Powers of Europe on neutral commerce were removed, produce a much greater defalcation in the net receipts into the Treasury than the sum assumed in the preceding estimate. In order to guard against any inconvenience arising from that contingency, and for the purpose of keeping always a moderate sum in the Treasury, it may be necessary to borrow a sum equal to the amount of the principal of public debt which will be reimbursed during the year, and which will exceed three millions of dollars.

By the tenth and nineteenth sections of the act making further provision for the support of public credit, and for the redemption of the public debt, passed on the 3d of March, 1795, the Commissioners of the Sinking Fund are authorized, from time to time, to borrow, and the United States Bank to lend, sums equal to the reimbursement of the public debt. But some doubts having arisen whether the powers vested by those two sections are applicable to the new six per cent. stocks, it is desirable that the authority should be expressly extended, by law, to that case; and no other provision seems necessary for the public service of this year.

It would be premature to attempt, at this time, an estimate of the receipts and expenditures of the year 1810. It is sufficient to observe, that, although the receipts may exceed those of the present year, it is highly improbable that they should be equal to the expenditures of that year, which, unless the Military and Naval Establishments should be reduced, will amount to sixteen millions of dollars. But it is believed that the revenue will, after that year, be adequate to discharge the annual expenses.

All which is respectfully submitted.

ALBERT GALLATIN.

PROTECTION TO MANUFACTURES.

[Communicated to the House, June 7, 1809.]

To the honorable the Congress of the United States, the petition of the subscribers, manufacturers of hemp into linen, and inhabitants of the State of Kentucky, respectfully sheweth:

The subscribers having, since the passage of the acts commonly called the "embargo" and "non-importation acts," engaged in the manufacture of hemp into linen, and many of them having expended great part of their respective capitals in

Protection to Manufactures.

preparing machinery and erecting buildings to carry on the same, beg leave, upon the approach of a new state of affairs, to call their situation to the attention of your honorable body. Whilst they rejoice, in common with their fellow citizens, that the returning sense of justice of one of the great belligerent Powers of Europe, as displayed in some recent communications to our Government, affords a hope that our country may escape the calamities of war, they must be permitted to state that this cause of national rejoicing will, in all human probability, be greatly oppressive to them. Their establishments have grown out of our differences with foreign nations. The "non-importation act," which passed, as your petitioners always understood as much to change the direction of some of the national capital from commercial to manufacturing pursuits, as with a view to bring a great foreign Power to a sense of justice, by prohibiting the introduction of coarse linen, &c. into the United States, gave being to their manufactories; and with the further patronage of your honorable body, will, beyond all doubt, rapidly increase in the Western country. Already there is manufactured, in Kentucky, a quantity of baling linen sufficient for the consumption of the greater part of the cotton country; other manufactories are erecting, and several citizens are extending their views to finer linens and sail cloth. Such, however, is the superiority of European capital and arts; such the cheapness of labor in Great Britain and Ireland; such the aid given there to manufactures by bounties from the Government; such the obstacles which an American manufacturer has to combat and overcome; and such the lessons furnished by experience; that your petitioners forebode the annihilation of their respective establishments, unless some aid is afforded them, at this moment, by the interposition of Congress.

That this protection of your honorable body will be given to them at the present moment, they are the more persuaded, when they review the proceedings of every Congress which has sat, since the formation of the Federal Constitution. Every law which has been enacted; every declaration which has come to the people, from that quarter; has shown it to be the wish of Congress to make the United States independent of the world, as to articles of the first necessity, as she is in her political rights as a nation. And for this purpose Congress have laid duties upon all raw or manufactured articles, to an extent sufficient to prohibit their importation, whenever it was ascertained that the country could produce a sufficiency for home consumption. And, in some instances, protecting duties have been laid with such efficacy, as not only to produce internal manufactures, sufficient for the supply of the demand at home, but to become, also, articles of considerable amount in the scale of our exports.

Not merely, however, have Congress, in laying prohibitory or protecting duties, evinced a disposition to encourage this species of domestic industry, but that body has also granted bounties to encourage the industry of an isolated part of the

Union—a species of industry, too, in which but a small portion of the citizens could participate—the fisheries. Far be it from the subscribers to repine at a policy of this kind, because it could not have an operation upon them, or affect the great mass of the people. They have no such views: for, they well know that the United States compose an extensive nation; that her citizens are scattered over an immense extent of country, having various soils and climate, with pursuits adapted or varied to their different local situations. And a Government, framing laws for this scattered population, must necessarily consult the wants and necessities of every part of it, to promote the general good of the whole. A reference to the report of Mr. Secretary Jefferson will evince that enlarged and liberal views of this kind induced Congress to grant bounties to the fisheries. But views of another nature seem also to have influenced that body. The encouragements given to their own fishermen, by foreign nations, and the restrictions laid upon their oils and fish, in foreign ports, had threatened the fisheries with destruction; and the question came before Congress, whether that business should be abandoned entirely, or supported by the nation at large. The same question the subscribers consider as occurring in the present instance. Independent of the superiority which the British manufacturer possesses, in the low price of labor, the experience and skill of his workmen, and the strength of his capital, he enjoys advantages which are not known to an American manufacturer, in the bounties given by Government to those who grow the raw material, and to those who export the manufactured article. Whether an American manufacturer can resist a combination of advantages so unfavorable to his interests, without aid from Government, appears to the petitioners as problematical indeed.

Your petitioners deem it material to represent, that the non-importation act, by creating a demand for the articles which that act prohibited, has changed the direction of much capital, and caused the erection of buildings, which must now become waste, without the interposition of Congress. That if it be important to encourage manufactures, and if they promote national wealth, by encouraging internal industry; if they keep money at home, by preventing it from going abroad for foreign productions; if they give life to the industry of the farmer, the planter, and the mechanic; there can be no question upon the subject. This is the time to encourage them effectually. If those which are erected be suffered to go to waste; if those recently established die with the law which gave them being; an age will pass away before other citizens will embark in the same business. Ill success, upon the part of one manufacturer, will prevent others from engaging in the same pursuits; success that crowns every measure with popularity, produces herds of imitators and followers.

Nor can it be an unimportant consideration with Congress, that the encouragement of domestic manufactures will have a tendency to trans-

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plant the arts and capital of Europe to this country, by holding out inducements to artists and manufacturers to remove here.

The subscribers cannot quit the subject without some remarks upon the peculiar situation of the country in which they live. Kentucky is rich in soil, but at a distance from the seas. She is capable of producing hemp for the whole supply of the United States—an article perhaps as much wanted as any other, both by the Government, and by private citizens, engaged in every pursuit in life; which, to an enormous amount, is annually imported from the northern parts of Europe, and which cannot easily be procured, in case of war. If the manufacturers of Kentucky were sufficiently encouraged, they would induce the farmers to cultivate it, so as to furnish a never-failing resource, whether in peace or war. The proximity of Kentucky to Ohio and Indiana subjects her to continual drains of treasure for United States' lands. Large sums are annually taken off for foreign productions, and merchants in the Atlantic States, who are the real collectors of the revenue, for Kentucky, her quota to the Treasury. Protected as she is by the Union, with this arrangement she is satisfied. But when the fishermen of the East are not only encouraged by protecting duties, but also by bounties; when, comparatively speaking, no public moneys are expended here, but all at Washington, and on the seaboard, in salaries, buildings, fortifications, upon the Army, and on the Navy, for the protection of commerce, in which, from her local and insular situation, she cannot participate; she would be better pleased if she was indemnified, for these disadvantages, by some encouragement of her industry; and that, perhaps, can best be done, with public benefit, by protecting duties to the manufacture of what promises to be her staple article. Wherefore, &c.

JOHN ALLEN, and others.

COMMISSIONERS OF THE SINKING FUND.

[Communicated to the House, June 23, 1809.]

TREASURY DEPARTMENT, June 20, 1809.

SIR: I have the honor, in obedience to the resolution of the House of Representatives of the 17th instant, to transmit copies of the following documents, viz:

A. Proceedings of the Commissioners of the Sinking Fund, at a meeting held on 18th March, 1809, directing the application of a sum, not exceeding \$2,250,000, to the reimbursement of the principal of the exchanged six per cent. stock, and authorizing the Secretary of the Treasury to borrow, with the approbation of the President of the United States, and in conformity with the provisions of the 10th section of the act "making further provision for the support of public credit, and for the redemption of the public debt," a sum equal to that of the principal of the exchanged six per cent. stock, which might be thus reimbursed.

B. Letter from the Secretary of the Treasury to the President of the Bank of the United States, dated 21st March, 1809, inquiring whether the proposed loan might be obtained from the bank; and, also, whether the bank would assent to a cotemporaneous reimbursement of the whole amount of exchanged six per cent. stock owned by that institution.

C. Answer of the President of the Bank of the United States, dated 24th March, 1809, stating that it appears to the Board of Directors that they are not authorized, by the act of 1795, to make a loan for the reimbursement of the stock created by the act of 1807; that the bank will agree to the loan, provided it is not wanted for a more distant period than the time when the present charter of the bank will expire; and provided, also, a law be obtained giving them authority to make it; and that the board prefer a reimbursement of only so much of the exchanged six per cent. stock which they own, as may fall to the lot of the bank.

D. Proceedings of the Commissioners of the Sinking Fund, at a meeting held on the 26th December, 1795, authorizing a loan of \$500,000, pursuant to the first section of the act above-mentioned, passed the 3d of March, 1795.

E. Contract with the Bank of the United States, dated 31st December, 1795, for a loan of \$500,000, obtained from that institution, in pursuance of the last mentioned proceedings of the Commissioners of the Sinking Fund.

F. Proceedings of the Commissioners of the Sinking Fund, at a meeting held on the 15th December, 1798, authorizing a loan of \$200,000, pursuant to the provisions of the act above-mentioned, passed the 3d of March, 1795.

G. Contract with the Bank of the United States, dated 17th December, 1798, for a loan of \$200,000, obtained from that institution, in pursuance of the last mentioned proceedings of the Commissioners of the Sinking Fund.

No other loans have ever been obtained under either the first or tenth section of the act of 3d March, 1795; nor can I find, in the minutes of the Commissioners of the Sinking Fund, any other proceedings touching the exercise or construction of the duties or powers contained in those sections.

It appears by the document A, that the Commissioners of the Sinking Fund, at their meeting of the 18th March, 1809, construed the words, "public debt," in the 10th section of the act of 3d March, 1795, as embracing the exchanged six per cent. stock; and considered the section, generally, as authorizing them to borrow, with the approbation of the President, the sum requisite for the reimbursement of that part of the principal of the public debt, if there was, in their opinion, reason to apprehend that all the demands on the Treasury, including such reimbursement, could not be discharged unless a loan to that amount was obtained.

I. The Commissioners of the Sinking Fund did not decide that the words "public debt," in that section, comprehended any debt which did

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not exist on the 3d day of March, 1795, when the law was passed; nor even any portion of the debt then existing, which might (as in the case of the three per cent. stock, converted, by virtue of the act of 11th February, 1807, into a six per cent. stock) have been subsequently altered, either in the amount of its capital, or in the rate of interest payable thereon. The construction which they gave to the law, applied only to the six per cent. stock, issued by virtue of the 2d section of the act of 11th February, 1807, in exchange of the old six per cent. or deferred stocks. No alteration whatever was produced by that exchange, either in the amount of principal, in the rate of interest, in the time of paying the interest, or in the manner of transferring the debt. The only change is the manner in which the principal should be reimbursed; and that certainly did not alter the nature of the debt. This exchanged stock is, therefore, in the opinion of the commissioners, precisely the same debt which existed in March, 1795, and to which the powers vested in them, by that act, are strictly applicable. But, although the grounds on which a different opinion was entertained by the bank are not to this moment understood, it appeared eligible, in a case where doubts were suggested, to apply to Congress for an explanatory act, and, in the meanwhile, to suspend any further proceedings respecting the proposed loan. The resolution of the Commissioners of the Sinking Fund has not, therefore, been yet submitted to the President of the United States for his approbation.

II. The Commissioners of the Sinking Fund are, by the 10th section of the act of 3d March, 1795, empowered and required, if necessary, to borrow, with the approbation of the President of the United States, the sums requisite for the reimbursement of the principal of the public debt. The general expressions, "if necessary," have been taken by the commissioners as confining the power, thus vested in them, not to the case, when the sums which they are directed to pay, annually, might exceed the probable receipts into the Treasury for that year, but to that of those receipts being insufficient to discharge all the annual expenditures, including the payments of the Sinking Fund. The question of priority of payment in favor of that fund was not taken into consideration, because, although the obligation to pay, at this time, eight millions of dollars, annually, on that account is indisputable, it is equally necessary that all the other expenses, authorized and directed by Congress, should be paid. The meaning and object of the section appeared, indeed, so obvious, that no doubt had suggested itself on that subject previous to its late discussion.

The first section of the act authorizes the Commissioners of the Sinking Fund to borrow, from time to time, such sums, in anticipation of the revenues, (not exceeding, in one year, one million of dollars,) as may be necessary for the payment of the interest on the public debt. The restrictive word is the same in this as in the 10th section of the act. If it be insisted that the necessity

of borrowing can never exist in this case, unless the revenues appropriated should fall short of the sums payable on account of the interest, there has been no year, since the law passed, in which such loan could have been legally made. It will appear, by reference to the documents D and E, that in December, 1795, a loan of \$500,000 was, by virtue of the first section of the act of 3d March, 1795, authorized by the Commissioners of the Sinking Fund, approved by the President, and obtained from the bank. The necessity of the loan is made to rest, not on a comparative view of the revenues appropriated for the payment of the interest, and of the sums payable on account of that interest, but on the general state of the Treasury, and on a general view of the receipts and expenditures for the three last quarters of 1795, and for the year 1796. The amount of revenues which were pledged for the payment of interest are there estimated, for the year 1796, at near six millions, and the amount of interest at only four millions of dollars.

The papers F and G refer to a loan of two hundred thousand dollars, obtained in December, 1798, from the bank, for the purpose of reimbursing an instalment of the principal of the loan of two millions of dollars, had of the bank, pursuant to the 11th section of the act of incorporation. The loan is, through some error of the transcriber, stated to be by virtue of the 6th section of the act of 3d March, 1795; which section does not confer any authority to borrow money. And the loan was evidently made under the tenth, and not under the first section of the act; for it is intended for the purpose of reimbursing an instalment of principal, and not for paying the interest on the public debt; and it was also made for a term of four years, (though reimbursable sooner, at the pleasure of the United States,) which could not have been done under the power vested by the first section, which directs an absolute reimbursement within a year from the time of each loan. This loan was made because there was "no surplus of revenue in the Treasury applicable to the payment of the said instalment;" by which is not meant that surplusses of revenue were alone appropriated for that object: for so much of the duties on imports, and spirits distilled, and stills, as would be sufficient to pay the instalments of that two millions loan, were appropriated by the eighth section of the act of 3d March, 1795; and the commissioners were directed, by the eleventh section of the same act, to reimburse the said instalments as they became due. Nor was there, in the year 1798, any deficiency in the revenues appropriated for the payment of interest and principal, which the Commissioners of the Sinking Fund were directed to make; for the revenues pledged exceeded, by three millions of dollars, the payments made on that account. But, at that time, as at present, the necessity of recurring to the authority to borrow, vested by the act in the commissioners, resulted from a deficiency in the general receipts, which, during that year, fell short of the general expenditures.

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Under those impressions it was stated, in the report made on the 1st instant, that it might be necessary to borrow a sum equal to the amount of the principal of the public debt, reimbursed during the year 1809; and that, provided the authority vested by the act of 3d March, 1795, should be expressly extended to the stock issued under the act of 11th February, 1807, no other provision seemed necessary for the public service of this year. And as, in the statement and estimates from which those conclusions were drawn, the moneys actually in the Treasury at the commencement of the year are stated at near ten millions of dollars, and the demands on account of public debt, for this year, at less than six millions and a half, the report was evidently founded on the supposed correctness of the construction above-mentioned. But, if that construction shall be deemed incorrect, and if the powers vested in the commissioners by the tenth section of the act of 3d March, 1795, shall be considered, by Congress, as applicable only to the case when the moneys in the Treasury, together with the probable receipts for the year, shall fall short of eight millions of dollars, the provision suggested by the report (and which was intended only to remove a doubt respecting the nature of the debt to which the powers were applicable) will not be sufficient. It will then be necessary to pass a law, giving an express authority to borrow the money which may be wanted.

I must acknowledge that, so far as relates to the extinguishment of the debt, and independent of the question respecting the true construction of the law, I perceive no material difference between the two modes. Whenever the expenses of a nation shall exceed its revenues, loans must, in some shape or another, be obtained; and the important question is, whether all the expenses incurred be really necessary, or even useful. On the decision of that question, the Secretary of the Treasury has no control. If he had, there would certainly be no necessity to borrow money in time of peace.

Permit me to add some observations explanatory of the letter written to the president of the bank, on points not immediately embraced by the resolution of the House.

There were two reasons why it was thought more eligible, in this instance, to negotiate a loan with the bank than with individuals. It is still uncertain when, and to what amount, the money may be wanted. A contract with individuals requires previous notice and arrangements, and is absolute, so as to compel Government to receive the amount lent, according to the terms of the contract. But, with the bank, it was sufficient to ascertain whether the loan could, if wanted, be obtained from that institution; the contract might be delayed till it was ascertained whether, and to what amount, the loan was necessary; and it might be avoided, altogether, if not actually necessary. The reimbursement would also be made with more convenience, and some interest saved, because the repayments may be made to the bank, from time to time, and in any

sums whatever, according to the situation of the Treasury.

In proposing to the bank that they should give notice to the Treasury of their wish to be reimbursed the whole amount of their exchanged six per cent. stock, my object was to facilitate the loan, since, by that operation, there would have been no real payment, but only a commutation of debt; and, also, to accommodate, so far as was consistent with the public interest, those individuals, who, by accepting the terms of the act of February, 1807, had become owners of exchanged six per cent. stock, and who, that stock being above par, could not desire to be reimbursed. As it related to the bank, that consideration was immaterial, as it was not presumed that they wanted to sell their stock.

I have the honor to be, &c.

ALBERT GALLATIN.

Hon. SPEAKER House of Reps.

A.—Proceedings of the Commissioners of the Sinking Fund, at a meeting held on 18th March, 1809.

At a meeting of the Commissioners of the Sinking Fund, held on the 18th March, 1809; present, Robert Smith, Secretary of State, Albert Gallatin, Secretary of the Treasury, C. A. Rodney, Attorney General United States :

The Secretary of the Treasury laid before the board a report, dated the 18th day of March, 1809, which was read, and is as follows, viz :

“That there was paid, during the year 1808, in order to complete the reimbursement of the eight per cent. stock, a sum of - \$1,547,000
On account of the public debt, for the year 1809, in advance, and on account of the annual appropriation of - - - - - 8,000,000

Leaving a sum of - - - - - 6,453,000
Which must, in conformity with existing laws, be applied, during the present year, to the payment of the principal and interest of the public debt.

That the payments to be made during the present year, on account of the interest on the debt, including the annual reimbursement of the six per cent. and deferred stocks, were estimated at - - - - - 4,226,000

Leaving a sum of - - - - - \$2,227,000
Which, the market price of stocks being above the rate fixed by law for purchases, can only be applied to the reimbursement of the exchanged six per cent. stock, in conformity with the provisions of the act supplementary to the act entitled ‘An act making provision for the redemption of the whole of the public debt of the United States.’

And that, considering the probable amount of receipts and expenditures during the present year, it is not believed that all the demands on the Treasury, including the above-mentioned sum of

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\$2,227,000, can be discharged, unless a loan can be obtained equal to the amount of principal of the public debt thus reimbursed." Whereupon,

Resolved, That a sum not exceeding \$2,250,000 be applied, during the present year, to the reimbursement of the principal of the exchanged six per cent. stock, in conformity with the provisions of the act last above-mentioned.

Resolved, That the Secretary of the Treasury be authorized, with the approbation of the President of the United States, to borrow a sum equal to that of the principal of the public debt which may be thus reimbursed, in conformity with the provisions of the tenth section of the act, entitled "An act making further provision for the support of public credit, and for the redemption of the public debt."

R. SMITH, *Secretary of State.*

A. GALLATIN, *Sec'y Treasury.*

C. A. RODNEY, *Att'y Gen. U. S.*

B.—Letter from the Secretary of the Treasury to the President of the Bank of the United States.

TREASURY DEPARTMENT,
March 21, 1809.

SIR: The Commissioners of the Sinking Fund having directed the reimbursement of a sum not exceeding \$2,250,000, of the new exchanged six per cent. stock, and authorized, in conformity with the 10th section of the act "making further provision for the support of public credit, and for the redemption of the public debt," passed 3d March, 1795, a loan to the amount of principal thus to be reimbursed. I beg leave to inquire, 1st. Whether the Bank of the United States will be disposed to lend that sum, in two equal instalments, viz: on 1st October next, and on the 1st January, 1810, being the times at which I intended to effect the reimbursement? 2dly. Whether the bank will assent to be reimbursed the whole amount of said exchanged six per cent. stock, which they own, at the times above-mentioned?

The two propositions may be considered as independent, one of the other, it being, however, understood that, if the bank does not wish to make the loan, it would suit Government better not to reimburse the bank exclusively, but only according to lot, in common with other stockholders.

If the bank will assent to make the loan, but refuse to receive the reimbursement, (so far only excepted as may be determined by lot,) it will not be material that the sum lent should be paid by the bank into the Treasury, precisely in two instalments, as above-mentioned. The times and amounts of payments may, in that case, be arranged, when a formal agreement shall be entered into, so as to answer the wants of the Treasury, and the convenience of the bank. It is only in case the bank will accede to both propositions, that, as there will be no real payments, but only a commutation of exchanged six per cent. stock into a temporary loan, it will be necessary that the loan should be made on the same days, and for the same sums as the reimbursement.

If the bank will accede to both proposals, it will be seen, by reference to the 8th section of the act supplementary to the act, entitled "An act making provision for the redemption of the whole of the public debt of the United States, passed the 11th February, 1807, that an exclusive reimbursement of the exchanged six per cent. stock, held by the bank, cannot take place, unless notice be given to this Department, in writing, of the wish of the institution to be thus reimbursed; and that notice must reach me prior to the 30th instant, as I must otherwise determine, by lot, what certificates of that stock shall be reimbursed, and give public notice thereof, in conformity with the second section of the same act, on or before the first day of next month. I am sensible that this is pressing for an answer within a shorter time than may be convenient, but, under the pressure of current business, I did not attend to this operation till within the last three days. I therefore request that you will have the goodness to lay the subject immediately before the Board, and to favor me with the answer. If that answer be in the affirmative, I will thank you to enclose in it the notice, in writing, asking for the reimbursement, in order that such notice, unconnected with any other subject, may be filed as a voucher, authorizing me to reimburse, in conformity therewith.

I have the honor to be, &c.

ALBERT GALLATIN.

DAVID LENOX, Esq., *President, &c.*

C.—Letter from the President of the Bank of the United States to the Secretary of the Treasury.

BANK OF THE UNITED STATES,
March 24, 1809.

SIR: I lost no time in laying before the Board of Directors, your letter of the 21st inst., which I had the honor of receiving yesterday. To the first of your inquiries, namely: "Whether the Bank of the United States will be disposed to lend that sum (\$2,250,000) in two equal instalments, viz: on the 1st October next, and on the 1st January, 1810?" I am desired to state, that there is every disposition on the part of this Board to comply with the wishes of Government, but it appears to them that they are not authorized, by the act of 1795, to make a loan for the reimbursement of the stock created by the act of 1807; besides, there are considerations which now present themselves, of much importance to the institution, arising from the short duration of the charter, with which a loan, reimbursable at the pleasure of the United States, may interfere. To evince, however, the friendly disposition of the Board, they do not hesitate to agree to the loan, provided it is not wanted for a more distant period than the time when the present charter of the bank will expire, at an interest of six per cent. per annum, and provided also, a law is obtained, at the next session of Congress, giving them authority to make it.

To your second inquiry, viz: "Whether the bank will assent to be reimbursed the whole

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amount of the exchanged six per cent. which they own, at the times mentioned?" I have to reply, that the Board prefer accepting such proportion only, as may fall to the lot of the bank. In returning this answer to your letter, I hope it may be perfectly satisfactory, and an additional proof of the desire of this Board to comply with the views of Government on every occasion, when not incompatible with the interest of the institution.

I have the honor to be, &c.

D. LENOX, *President.*

HON. ALBERT GALLATIN.

D.—Proceedings of the Commissioners of the Sinking Fund, at a meeting held on the 26th of December, 1794.

At a meeting of the Commissioners of the Sinking Fund, on the 26th day of December, 1795;

Present: The President of the Senate, the Secretary of State, and the Secretary of the Treasury;

A report of the Secretary of the Treasury was read, as follows:

"That, to provide for the payment of the interest on the public debt, which will fall due at the close of the present year, it will be necessary to anticipate the appropriated revenues to the amount of five hundred thousand dollars.

"The authority to make a loan for this purpose, is contained in the first section of an act, passed on the 3d day of March, 1795, entitled 'An act making further provision for the support of public credit, and for the redemption of the public debt.'

"The Secretary proposes, that the said loan be had of the Bank of the United States, for one year, to bear interest from the 1st day of January ensuing, at the rate of six per cent. per annum, to be refunded out of the proceeds of the duties on goods, wares, and merchandise, imported, on the tonnage of ships and vessels, and upon spirits distilled within the United States, and stills, which may accrue to the end of the present year, and be then uncollected.

"That the Commissioners may be satisfied, as to the real state of the Treasury, at the latest period to which the accounts have been settled, he takes the liberty to lay before them, a copy of his report, made to the House of Representatives, on the 14th instant, in which the receipts and expenditures for the three first quarters of the present year are exhibited, and also, a view of the probable receipts and expenditures for the year 1796.

"Wherefore, the said Secretary requests that the Board of Commissioners of the Sinking Fund would resolve, that an application be made to the President of the United States, for his permission to the Secretary of the Treasury to borrow five hundred thousand dollars, on the terms and conditions before-mentioned, to be applied in the manner herein proposed."

Whereupon, it was resolved unanimously, That

the sum of five hundred thousand dollars be borrowed by the Secretary of the Treasury, for a term not exceeding one year, at a rate of interest not exceeding six per centum per annum, to commence on the first of January, 1796, pursuant to the first section of the act, entitled "An act making further provision for the support of public credit, and for the redemption of the public debt;" and that this resolution be laid before the President of the United States, for his approbation.

JOHN ADAMS,

President of the Senate.

TIMOTHY PICKERING,

Secretary of State.

OLIVER WOLCOTT, Jr.,

Secretary of the Treasury.

Approved, December 20, 1795.

GEO. WASHINGTON.

E.—Contract between the Commissioners of the Sinking Fund and the Bank of the United States.

Articles of agreement between Oliver Wolcott, Jr., Secretary of the Treasury, in behalf of the Commissioners of the Sinking Fund, of the one part; and the President, Directors, and Company of the Bank of the United States, of the other part; made and concluded the thirty-first day of December, in the year of our Lord one thousand seven hundred and ninety-five.

Whereas, by the act, entitled "An act making further provision for the support of the public credit, and for the redemption of the public debt," passed the third day of March, in the present year, the Commissioners of the Sinking Fund, with the approbation of the President of the United States, are authorized and empowered to borrow, or cause to be borrowed from time to time, such sums, in anticipation of the revenues appropriated, not exceeding, in one year, one million of dollars. And whereas the said Commissioners of the Sinking Fund, by their resolution of the twenty-sixth day of December, one thousand seven hundred and ninety-five, approved by the President of the United States, did unanimously agree, that the sum of five hundred thousand dollars should be borrowed by the Secretary of the Treasury, for a term not exceeding one year, at a rate of interest not exceeding six per cent. per annum, to commence on the first of January, one thousand seven hundred and ninety-six, pursuant to the act before recited:

Now, therefore, these presents witness, that, pursuant to the authority aforesaid, it hath been, and is hereby, agreed, by and between the said parties of the first and second part, as follows, viz:

First. The said President, Directors, and Company, shall lend to the United States the sum of five hundred thousand dollars, to be advanced on the first day of January, one thousand seven hundred and ninety-six.

Second. The said sum, so to be advanced as aforesaid, shall bear interest at the rate of six per centum per annum, from the date before-men-

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tioned, payable on the first day of July, one thousand seven hundred and ninety-six, and on the first day of January, one thousand seven hundred and ninety seven.

Third. The United States shall reimburse or repay to the said Bank of the United States, the said sum of five hundred thousand dollars, with the interest which shall be due thereon, on or before the first day of January, in the year one thousand seven hundred and ninety-seven, reserving, nevertheless, to the United States, the right of reimbursing, at their pleasure, the whole, or any part of the said sum, which shall have been so lent and advanced, after giving one month's notice, to the President of the said Bank, of the sum intended to be reimbursed.

In testimony whereof, the said Secretary of the Treasury hath caused the seal of the Treasury to be affixed to these presents, and hath hereunto subscribed his hand; [L. s.] and the said President, Directors, and Company, have also caused the seal of the Bank of the United States to be affixed to the same, the day and year aforesaid.

OLIVER WOLCOTT,
Secretary of the Treasury.

[L. s.] THOS. WILLING,
President Bank of the U. S.

F.—Proceedings of the Commissioners of the Sinking Fund, at a meeting held on the 15th of December, 1798.

At a meeting of the Commissioners of the Sinking Fund, on the fifteenth day of December, 1798;

Present: The Hon. John Laurence, President of the Senate, the Secretary of State, the Secretary of the Treasury, and the Attorney General of the United States;

The Secretary of the Treasury laid before the Board a report, dated the fourteenth day of December, 1798, which was read, and is as follows:

"That, by the eleventh section of the act of Congress, passed on the third day of March, 1795, entitled 'An act making further provision for the support of public credit, and for the redemption of the public debt,' the Commissioners of the Sinking Fund are required to reimburse, to the Bank of the United States, the instalments due upon the loan of two millions of dollars, had of the said Bank, pursuant to the eleventh section of the act by which the same was incorporated, as the said instalments shall respectively accrue.

"That, on the last day of December, in the present year, the instalment of the aforesaid loan, being two hundred thousand dollars, will fall due to the said bank.

"There being no surplus of revenue in the Treasury applicable to the payment of the said instalments, the Secretary requests, that application be made to the President of the United States, for his permission to borrow the sum of two hundred thousand dollars, for a term not exceeding four years, to be applied to the purpose aforesaid; and, therefore, submits the following resolution:

"*Resolved*, That the sum of two hundred thousand dollars be borrowed by the Secretary of the Treasury, pursuant to the sixth section of the act, passed on the third day of March, 1795, entitled 'An act making further provision for the support of public credit, and for the redemption of the public debt,' and that the proceeds of the said loan be applied, by the said Secretary, to the payment of the seventh instalment of the loan of two millions of dollars, borrowed under the act, entitled 'An act to incorporate the subscribers to the Bank of the United States:' *Provided*, That the said loan shall, nevertheless, be reimbursable at the pleasure of the United States, and shall bear interest at a rate not exceeding six per cent. per annum, and that this resolution be laid before the President of the United States for his approbation.

"All which is respectfully submitted, by
"OLIVER WOLCOTT,
Secretary of the Treasury.

"TREASURY DEPARTMENT,
"December 15, 1798."

Whereupon, it was resolved, that the said report be accepted, and that the resolution aforesaid be laid before the President of the United States for his approbation.

JOHN LAURENCE,
President of the Senate, pro. tem.

PHILADELPHIA, Dec. 17, 1798.

Approved: JOHN ADAMS.

Recorded from the original minutes on the file, by
EDWARD JONES,
Sec'y Commissioners Sinking Fund.

G.—Contract between the Commissioners of the Sinking Fund and the Bank of the United States.

Articles of agreement between Oliver Wolcott, Secretary of the Treasury, in behalf of the Commissioners of the Sinking Fund, of the one part; and the President, Directors, and Company, of the Bank of the United States, of the other part; made and concluded the twenty-eighth day of December in the year of our Lord one thousand seven hundred and ninety-eight.

Whereas, by the act, entitled "An act making further provision for the support of public credit, and for the redemption of the public debt, passed the third day of March, one thousand seven hundred and ninety-five, the Commissioners of the Sinking Fund, with the approbation of the President of the United States, are authorized and empowered to borrow, or cause to be borrowed, from time to time, such sums, in anticipation of the revenues appropriated, not exceeding one million of dollars: And whereas the said Commissioners of the Sinking Fund, by their resolution, of the fifteenth of December, one thousand seven hundred and ninety-eight, approved by the President of the United States, did unanimously agree that the sum of two hundred thousand dollars shall be borrowed by the Secretary of the Treasury: *Provided*, nevertheless, That the said

State of the Finances.

loan shall be reimbursable at the pleasure of the United States, and shall bear interest at a rate not exceeding six per centum per annum:

Now, therefore, these presents witness that, pursuant to the authority aforesaid, it hath been, and is hereby, agreed, by and between the said parties of the first and second part, as follows, viz:

1st. The said President, Directors, and Company, shall lend to the United States the sum of two hundred thousand dollars, to be advanced on the first day of January, one thousand seven hundred and ninety-nine.

2d. The said sum, so to be advanced as aforesaid, shall bear interest at the rate of six per cent. per annum, from the date before-mentioned, payable half yearly to the said parties of the second part, during the continuance of the said loan, if the same shall be required.

3d. The United States shall reimburse, or repay to the Bank of the United States, the said sum of two hundred thousand dollars, with the interest which shall be due thereon, on or before the first day of January, which will be in the year one thousand eight hundred and three, reserving, nevertheless, to the United States, the right of reimbursing, at their pleasure, the whole, or any part of said sum, which shall have been so lent and advanced, after giving one month's notice to the President of the said Bank, of the sum intended to be reimbursed.

In testimony whereof, the said Secretary of the Treasury hath caused the seal of the Treasury to be affixed to these presents, and hath hereunto subscribed his hand; and the said President, Directors, and Company, have also caused the seal of the Bank of the United States to be affixed to the same, the day and year aforesaid.

[L. s.] OLIVER WOLCOTT,
Secretary of the Treasury.

[L. s.] THOMAS WILLING,
President.

STATE OF THE FINANCES.

[Communicated to the House, December 8, 1809.]

In obedience to the directions of the act supplementary to the act, entitled "An act to establish the Treasury Department," the Secretary of the Treasury respectfully submits the following report and estimates:

The duties on merchandise and tonnage, which accrued during the year 1807, amounted, after deducting the expenses of collection, to - - - - - \$26,126,648

From which, deducting for debentures issued on account of re-exportations - - - - - 10,067,191

Left, for the net revenue accrued during that year - - - - - \$16,059,457

The same duties, during the year 1808, amounted, after deducting the expenses of collection, to - \$10,501,559
From which, deducting for debentures issued, and which, on account of the embargo, did not exceed - - - - - 249,396

Leaves, for the net revenue accrued during that year, as will appear by the statement A - - - \$10,332,163

The statement B exhibits in detail the several species of merchandise, and other sources, from which that revenue was collected during the year 1808; and the statement Aa gives a comparative view of the importations and re-exportations of the several species of merchandise for the years 1807 and 1808, showing thereby distinctly, the effect of foreign aggressions and commercial restrictions on the importations of foreign articles.

From the returns already received for the three first quarters of the present year, and from the general knowledge of the importations made during the two last months, it is believed that the gross amount of duties on merchandise imported during the whole year will, after deducting the expenses of collection, amount to about ten millions of dollars.

But, as the debentures issued, on account of re-exportations, principally of colonial produce, will amount to about \$3,500,000, the net revenue, accrued during the year 1809, cannot be estimated at more than six millions and a half.

It appears, by the statement C, that the sales of public lands have, during the year ending on the 30th of September, 1809, amounted to 143,000 acres, and the payments by purchasers to nearly five hundred thousand dollars. The proceeds of sales in the Mississippi Territory being, after deducting the surveying and other incidental expenses, appropriated in the first place to the payment of a sum of \$1,250,000 to the State of Georgia, are distinctly stated.

It appears, by the statement D, that the payments on account of the principal of the public debt have, during the same period, amounted to nearly \$6,730,000; the reimbursement of the eight per cent. stock having taken place on the first of January last. But the aggregate of payments on account of principal and interest will not, for the two years, 1808 and 1809, exceed the sum of sixteen millions of dollars appropriated by law.

The same statement shows that about \$34,796,000 of the principal of the debt have been reimbursed during the eight years and a half, commencing on the first of April, 1801, and ending on the 30th of September, 1809, exclusively of more than six millions of dollars paid in conformity with the provisions of the convention with Great Britain and of the Louisiana convention.

The actual receipts into the Treasury during the year, ending on the 30th of September, 1809, have amounted to - - - \$9,315,753 16
Making, together with the bal-

State of the Finances.

ance in the Treasury on the 1st of October, 1808, and amounting to - - - -	13,846,717 52
An aggregate of - - -	<u>\$23,162,470 68</u>
The disbursements, during the year, have consisted of the following items, viz :	
Civil department, including miscellaneous expenses, and those incident to the intercourse with foreign nations - - -	\$1,439,633 23
Military and Naval Establishments, including the Indian department, viz :	
Military, including arms and fortifications - - -	\$3,366,403 12
Navy - - -	2,379,267 80
Indian department - - -	292,303 84
Interest on the public debt - - -	6,037,974 76
	3,126,149 15
	<u>10,603,757 14</u>
Reimbursement of principal of the public debt - - -	6,729,777 53
Amounting, together, as will appear more in detail by the statement E, to - - -	17,333,534 67
And leaving in the Treasury, on the 30th of September, 1809, a balance of - - -	5,828,036 01
	<u>\$23,162,470 68</u>

Whence it appears that the expenses of Government, exclusively of the payments on account of the principal of the debt, have exceeded the actual receipts into the Treasury, by a sum of nearly thirteen hundred thousand dollars; and that that deficiency, as well as the reimbursement of the principal of the debt, have been paid out of the sums previously in the Treasury, or, in other words, out of the surplus of the revenue of the preceding years.

The outstanding revenue bonds may, after deducting the expenses of collection, and allowing for bad debts, be estimated to have amounted, on the 30th of September, 1809, to - \$7,500,000

The duties on the importations, during the last quarter, will not probably, after making a similar deduction, fall short of - - - 2,800,000

All those will fall due prior to the first day of January, 1811, and make, together with the balance in the Treasury on the 30th of September, 1809, and amounting, as above stated, to - - - 5,800,000

An aggregate of - - - \$16,100,000

The expenses of the present quarter, though not yet precisely ascertained, will not probably, including the payments on account of the public debt, exceed - - - 3,600,000

Leaving, on the first day of January, 1810, a sum of - - - \$12,500,000

About twelve and a half millions of dollars, in cash or bonds, payable during the year 1810, and applicable to the expense of that year. This estimate, however, is founded on the supposition that the amount of debentures, payable in that year, will not exceed two millions of dollars, and that the receipts, during the year, arising from importations subsequent to the first of January next, and from the sales of land, will be sufficient to pay those debentures, and to leave at all times in the Treasury, at least one million of dollars.

Estimating the expenses of a civil nature, both domestic and foreign, for the year 1810, at the same amount actually expended for those objects during the preceding year, or at about - - - \$1,500,000

And adding thereto the annual appropriation of - - - 8,000,000

For the public debt, (of which sum about three millions seven hundred and fifty thousand dollars will be applied to the final reimbursement of the exchanged six per cent. stock,) it follows that, unless the aggregate of the expenses for the Military and Naval Establishments should be reduced to about - - - 3,000,000

\$12,500,000

A loan will be necessary to make up the deficiency. That state of the Treasury had been anticipated; and, for that reason, an increase of duties had been respectfully submitted in the last annual report. But, should that measure be now adopted, it would not, on account of the terms of credit allowed for the payment of duties, supersede the necessity of a loan for the service of the year 1810, commensurate with the extent of those establishments, and with the appropriations which may be made for their support by Congress. No precise sum is suggested, since this must vary according to the plans which may be adopted in relation to foreign nations, and will particularly depend on the decision of Congress on the question of war or peace. It is sufficient to state that, if the actual expenditure of the year 1810, for all military and naval purposes, should be estimated at the same sum which was disbursed by the Treasury, for those objects, during the year ending on the 30th of September, 1809, and exceeding, as above stated, six millions of dollars, the deficiency, according to the preceding estimates, would amount to three millions; on which supposition, it would seem prudent, in order to provide against any deficiency in the receipts, beyond what has been estimated, to authorize a loan of four millions of dollars.

In the event of war, the necessity of rendering it efficient, and of calling for that purpose into action all the resources of the country is too obvious to require any comment. On that subject nothing will, at this time, be added by this Department to the suggestions respectfully submitted in the two preceding annual reports. Loans,

Sinking Fund.

reimbursable by instalments, and at fixed periods, after the return of peace, must constitute the principal resource for defraying the extraordinary expenses of the war. For the support of public credit, the basis on which rests the practicability of obtaining loans on reasonable terms, it appears necessary that the revenue should, in the meanwhile, be equal to the interest on the public debt, including that on the new loans, and to all the current expenses of Government, calculated on a Peace Establishment, or, for the present, to about eight millions of dollars. An immediate and considerable increase of the existing duties will, it is believed, be requisite for that purpose, in order to cover the defalcation which a maritime war must necessarily produce in a revenue almost exclusively depending on commerce. That increase appears preferable, in the present situation of the United States, to any other source of taxation, and is not, in time of war, liable to the objection of its encouraging smuggling. It is only in the event of that revenue being still more affected by a war than is apprehended, that a resort to internal taxes, either direct or indirect, may become necessary.

If war should not be resorted to, it does not appear requisite, unless Congress should resolve on a permanent increase in the Military and Naval Establishments, in time of peace, to lay, at present, any additional duties, beyond a mere continuance of the two and a half per cent. known under the name of "Mediterranean Fund." It has already been stated, that an increase of the impost would not supply the deficiency which may take place in the year 1810; and exclusively of the reimbursement of the loan which may be wanted for the service of that year, all the national expenses, calculated on a Peace Establishment and on the average of the actual expenditures of the six years, 1802 to 1807, will not exceed ten millions of dollars for the year 1811, and eight millions after that year; for, the only portion of the existing debt, which, according to law, it will be practicable, after the year 1810, to reimburse, will, exclusively of the annual reimbursement of the six per cent. and deferred stocks, consist only of the converted six per cent. stock, which amounts to less than two millions of dollars. The payments on account of the annual appropriation of eight millions of dollars. for the debt, cannot, for that reason, except for the purpose of reimbursing the loan which may be wanted for the service of the year 1810, much exceed six millions of dollars in the year 1811, and four millions of dollars, annually, after that year. The expenses for the year 1811, and the ensuing years, may therefore, if calculated on a Peace Establishment, be estimated as follows, viz:

Civil expenses, both domestic and foreign	- - - - -	\$1,500,000
Military and Naval Establishments, (including the Indian department) calculated on the average of the actual expenditure for those objects during the six years, 1802—1807, as will appear by the statement F, about		2,500,000

Interest on the public debt, including the annual reimbursement on the six per cent. and deferred stocks,	-	4,100,000
Total of the annual expenses after the year 1811,	- - - - -	8,100,000
Reimbursement of the converted six per cent stock	- - - - -	1,860,000
Total of expenses for the year 1811	-	\$9,960,000

Whatever may be the decision of Congress, in other respects, there is a subject which seems to require immediate attention. The provisions adopted for the purpose of carrying into effect the non-intercourse with England and France, particularly as modified by the act of last session, under an expectation that the Orders of Council of Great Britain had been revoked, are inefficient, and altogether inapplicable to existing circumstances. It will be sufficient to observe, that exportation by land is not forbidden; and that no bonds being required from vessels ostensibly employed in the coasting trade, nor any authority vested by law which will justify detention, those vessels daily sail for British ports, without any other remedy but the precarious mode of instituting prosecutions against the apparent owners. It is unnecessary, and it would be painful, to dwell on all the effects of those violations of the laws. But, without any allusion to the efficiency or political object of any system, and merely with a view to its execution, it is incumbent to state, that, from the experience of the two last years, a perfect conviction arises, that, either the system of restriction, partially abandoned, must be reinstated in all its parts, and with all the provisions necessary for its strict and complete execution, or, that all the restrictions, so far, at least, as they affect the commerce and navigation of the citizens of the United States, ought to be removed.

All which is respectfully submitted.

ALBERT GALLATIN,

Secretary of the Treasury.

TREASURY DEPARTMENT, Dec. 7th, 1809.

SINKING FUND.

[Communicated to the Senate, February 5, 1810.]

WASHINGTON, Feb. 5. 1810.

The Commissioners of the Sinking Fund, respectfully report to Congress as follows:

That the measures which have been authorized by the Board, subsequent to their last report of the 4th of February, 1809, so far as the same have been completed, are fully detailed in the report of the Secretary of the Treasury to this Board, dated the second day of the present month, and in the statements therein referred to, which are herewith transmitted, and prayed to be received as a part of this report.

G. CLINTON, *President of Senate.*

A. GALLATIN, *Secretary Treasury.*

C. A. RODNEY, *Attorney General.*

Sinking Fund.

TREASURY DEPARTMENT, Feb. 2, 1810.

The Secretary of the Treasury respectfully reports to the Commissioners of the Sinking Fund—

That the balance remaining unexpended at the close of the year 1807, and applicable to payments falling due after that year, which balance, as appears by the statement B, annexed to the last annual report, amounted to - - - \$820,718 09

Together with the disbursements made during the year 1808, out of the Treasury, on account of the principal and interest of the public debt; which disbursements, as appears by the statement C, annexed to the last annual report, amounted to - - 10,330,013 60

And amounting together, to - \$11,150,731 69

Have been accounted for in the following manner:

I. There was repaid into the Treasury, during the year 1808, on account of the principal of moneys heretofore advanced for the payment of interest and reimbursement of the funded domestic debt, and of moneys advanced for the purchase of stock, as appears by the statement E, annexed to the last annual report - - - \$68,795 11

II. The sums actually applied during the same year, to the payment of the principal and interest of the public debt, as ascertained by accounts rendered to the Treasury Department, amount, as will appear by the statement A, to \$10,430,833 25, viz:

1. Paid in reimbursement of the principal of the debt, and including the whole of the eight per cent. stock - - - \$6,988,222 01

2. Paid on account of the interest and charges on the same - 3,442,611 24

10,430,833 25

III. The balance remaining unexpended at the close of the year 1808, and applicable to payments falling due after that year, as ascertained by accounts rendered to the Treasury Department, amounted, as will appear by the statement B, to - - - 651,103 33

\$11,150,731 69

That, during the year 1809, the following disbursements were made out of the Treasury on account of the principal and interest of the public debt, viz:

1. On account of the reimbursement of the domestic funded debt - - - \$5,750,065 22

2. On account of the domestic unfunded debt, viz:

Payment of registered debt - - - \$258 11

Payment of debts due to foreign officers - 13,307 41

13,565 52

3. On account of interest on the Louisiana stock, and on exchanged and converted stocks, payable in Europe 689,067, 78

Amounting altogether, as will appear by the annexed list of warrants, marked C, to - - - \$6,452,698 52

Which disbursements were made out of the following funds, viz:

1. From the funds constituting the annual appropriation of eight millions of dollars, for the year 1809:

From the fund arising from the interest on the debt transferred to the Commissioners of the Sinking Fund, as per statement I - \$1,434,773 72

From the funds arising from the sale of public lands, being the amount paid into the Treasury, from the 1st October 1808, to the 30th September, 1809, as per statement K - 462,395 23

From the proceeds of duties on all goods, wares, and merchandise, imported, and on the tonnage of vessels - - - 4,554,297 42

Amounting in all to - \$6,451,466 37

Which sum of - 6,451,466 37

Together with the sum advanced during the year 1808, on account of the appropriation for the year 1809, amounting, as by the last annual report, to \$1,547,301 48, which ought to have been stated, as explained in the note at the foot of this report at - 1,548,533 63

Makes the amount of the appropriation for the year 1809 - - \$8,000,000 00

2. From the proceeds of duties on goods, wares, and merchandise, imported, and on the tonnage of vessels, advanced, in part, and on account of the annual appropriation of eight millions for the year 1810 - - \$1,087 79

3. From repayments into the Treasury on account of remittances purchased to provide for the interest on the Louisiana stock, as will appear by the statement E, viz:

Repayment of principal advanced from Treasury - - - \$93 20

Costs recovered - - 51 16

144 36

6,452,698 52

That the above mentioned disbursements, together with the above stated balance, which remained unexpended at the close of the year 1808, of - 651,103 33

And amounting, altogether, to - - \$7,103,801 85

Loans and Additional Revenue.

Will be accounted for in the next annual report, in conformity to the accounts which shall then have been rendered to the Treasury Department.

That, in the meanwhile, the manner in which the said sum has been applied is estimated as follows:

I. The repayments into the Treasury, on account of the principal, have, during the year 1809, amounted, as by the above mentioned statement

E, to - - - - - \$93 20

II. The sums actually applied, during the year 1809, to the principal and interest of the public debt, are estimated as follows:

1. Paid in reimbursement of the principal of the public debt, and including the last instalment of the Dutch debt - - - - -

3,826,479 26

2. Paid on account of interest and charges on the same - - -

2,915,776 76

6,742,256 02

As will appear by the estimate F.

III. The balance which remained expended at the close of the year 1809, and applicable to payments falling due after that year, is estimated, per estimate G, at - - - -

361,452 63

\$7,103,801 85

That, in conformity to the proceedings and resolutions of the Commissioners of the Sinking Fund, of the 18th of March, 1809, a copy whereof, marked L, is hereunto annexed, there was reimbursed on the 1st October, 1809, in the manner prescribed by the eighth section of the act of February 11, 1807, a portion of the exchanged six per cent stock, created by virtue of that act, amounting to \$1,151,469 11

And there was paid, for the reimbursement of a portion of the same, on the 1st of January, 1810, the sum of -

1,090,749 10

Amounting, together to - - - \$2,242,218 24

Which sum of \$2,242,218 24, forms a part of the sum of \$3,826,479 26, above stated as the amount of principal of the public debt reimbursed in the year 1809.

That the loan authorized by the last of the above resolutions of the Commissioners has not been made, there having been no necessity for resorting to it.

And that the statement H exhibits the amount of stock transferred to the Commissioners of the Sinking Fund, and to the Treasurer of the United States, in trust for said States, and standing to their credit on the books of the Treasury, on the 31st December, 1809, no stocks having been transferred in payment for lands during the year 1809.

All which is respectfully submitted.

ALBERT GALLATIN.

NOTE in relation to the advance made during the year 1808.

This advance was stated, in the annual report to the Commissioners of the Sinking Fund, dated February 3, 1809, at the sum of - - - \$1,547,301 48

To which is to be added the sum of \$1,232 15, which was stated in the report dated February 4, 1808, as having been paid during the year 1807, out of the additional appropriation made by the fifth section of the act of April 29, 1802, for the payment of commissions to the agents employed in the purchase of remittances for the Dutch debt, when, in fact, the said sum was not paid out of that appropriation, but out of the appropriation of eight millions of dollars, it having been paid for commissions on the purchase of remittances for interest on the Louisiana stock, which are not embraced by the fifth section of the act of April 29, 1802. This sum, therefore, as it diminishes the amount short advanced in the year 1807, on the appropriation of eight millions, forms an addition to the amount over advanced at the end of the year 1808, on account of the appropriation of eight millions for the year 1809, and is here added - -

1,232 15

\$1,548,533 68

LOANS AND ADDITIONAL DUTIES.

[Communicated to the House, March 21, 1810.]

JANUARY 8th, 1810.

SIR: Having stated, in your several reports, that loans would constitute the principal resource of the United States for defraying extraordinary expenses, the Committee of Ways and Means have instructed me to request that you will report your opinion as to the most eligible mode of obtaining money by loan; keeping in view, both the facility of borrowing sums, commensurate with the exigencies of the United States, and the ultimate extinguishment of the debt contracted.

You have already given your opinion in favor of an increase of duties on importation. To what extent can this be carried with safety? Can any other resources, except taxes and loans, be relied on, for immediate revenue?

I have the honor to be, &c.

JOHN W. EPPES.

Hon. A. GALLATIN, Sec'y Treasury.

TREASURY DEPARTMENT, Feb. 26, 1810.

SIR: I have the honor to submit the following observations in answer to the several objects of inquiry embraced by your letter of the 8th ultimo. The amount of extraordinary expenses which may be authorized by Congress being yet unascertained, it is not, even at this time, practicable to state, with precision, the sum which may be wanted on loan for the service of this year. And, in relation to ensuing years, it would be premature to lay down any general rules respecting the most eligible mode of borrowing

Loans and Additional Duties.

sums of money, commensurate with the exigencies of the United States in case of war. It is, therefore, thought sufficient, for the present, to point out some of the most obvious means of effecting loans generally, leaving it a subject of subsequent consideration to decide, according to existing circumstances, on the most eligible mode, and on the arrangement of details.

The inquiries of the Committee of Ways and Means apply to the three following points: 1st. What is the most eligible mode of obtaining money by loan, keeping in view both the facility of borrowing sums, commensurate with the exigencies of the United States, and the ultimate extinguishment of the debt contracted? 2dly. To what extent can an increase of importation be carried with safety? 3dly. Can any other resources, besides taxes and loans, be relied on for immediate revenue?

Loans.—1st. The Commissioners of the Sinking Fund will, out of the annual appropriation of eight millions of dollars for the payment of the debt, reimburse, in 1810, the residue of the exchanged six per cent. stock, amounting to \$3,750,000, and in 1811, the whole of the converted six per cent. stock, amounting to \$1,860,000. It is probable that the owners of those two species of stock would consent to re-loan the amount, provided it was made irredeemable for a few years.

2d. It has already been stated, in the annual report of November 5th, 1807, referred to in that of this year, "that the several banks of the United States might find it convenient, as the diminished commerce of the country might require less capital, to loan to Government a considerable portion of their capital stock, then computed at about forty millions of dollars." Such temporary loans can be obtained only to a limited amount, but they are convenient in two respects: 1st. They do not diminish the facility of obtaining other loans from individuals, inasmuch as they do not increase the amount of stock at market. 2dly. Being redeemable at will, and in any sums which may suit the convenience of Government, interest is paid only as long as the money is wanted; and the extinguishment of the debt contracted is rendered more easy and certain.

3d. Loans may be obtained from individuals to an extent commensurate with the national capital, and limited by the existing demand for that capital for private purposes. The terms must vary according to circumstances, always giving the preference to the most simple form that can effect the object. A portion of the public lands may, perhaps, if necessary, either as a premium, or by giving an option to subscribers, be advantageously applied in facilitating loans, or improving their terms.

4th. Treasury notes, bearing interest, and payable to order, one year after date, may be annually issued, to a moderate amount, and be put in circulation, both through the medium of banks, and in payment of supplies. A portion would be absorbed during the year by the payment of public lands and revenue bonds, and the redemption of the residue be provided for by the loan of the en-

suing year. This annual anticipation of the revenue, though liable to abuse, may, if kept within strict bounds, facilitate both the collection of the revenue and the loans themselves.

In relation to the extinguishment of the debt contracted, those who borrow can do nothing more than to provide and pledge funds sufficient for that object, and to give such a form to the debt as may not impede its redemption. To render it irredeemable for no longer time than is necessary in order to obtain the money; to make it reimbursable by instalments, at fixed periods; never to create, for the sake of diminishing the annual interest, a greater nominal amount of stock than the sum actually borrowed; and above all, never incur expenses which are not actually necessary for the defence or welfare of the country; are principles essential for a nation which does not contemplate a system of perpetual and increasing debt. But, for its actual reimbursement, we must principally depend on the return of prosperous circumstances, on the growing resources of the country, and on the wisdom of our successors. The artificial provisions of a sinking fund may always be rendered inefficient by the necessities or extravagance of Government. The real amount of a national debt cannot be diminished, unless the aggregate of revenue, including the funds assigned to the sinking fund, and exclusively of new loans, exceeds the aggregate of expenditures, other than those for the payment of the principal of the debt. Favorable circumstances, and a rigid economy in the current expenses, have enabled the United States to reimburse, during the last eight years, one half of the debt created by the Revolutionary war, and during some of the ensuing years. Similar circumstances, and an adherence to the same principles, will be requisite to secure the actual reimbursement of the debt which it may now be necessary to contract. But, that Government will possess resources amply sufficient for that object, cannot be doubted. The proceeds of the public lands would alone, slowly, perhaps, but certainly, extinguish a much greater debt than the United States have at now in their power to create. And it is sufficiently ascertained that the national wealth of the United States, and, therefore, the means of raising revenue, increase in a ratio still more rapid than their population—a population which almost doubles every twenty years.

These considerations, connected with others, stated at large in the annual reports of November, 1807, and December, 1808, produced a conviction that loans might, without danger, be resorted to as the principal resource for supporting a war. Permit me, at the same time, to observe that the suggestion has been confined to that object alone, and that, excepting the case of war, either immediate or contemplated, it appears consistent with sound policy to raise, during the year, the means of defraying all the national expenses, borrowing no larger sum than the amount of principal of old debt paid during the year. The propriety of providing, even in time of war, a revenue equal to the annual expenses on a peace establishment,

Loans and Additional Duties.

the interest of the existing debt, and that on the loans which may be raised, has, also, been suggested in former reports.

Increase of Duties.—On that subject, but little can be added to the opinions expressed on former occasions. I still think that this source of revenue is, in the United States and at this time, the most productive, the easiest to collect, the least burdensome to the great mass of the people; and that the duties on importation, generally, may, in case of war, be doubled, without inconvenience or danger.

In time of peace, and particularly under existing circumstances, habits of smuggling might be promoted by so great an increase. But the precise rate which may, with safety, be adopted, can only be a matter of opinion, to be tested by experience. I would not hesitate, however, to mention an additional duty of five per cent, on merchandise paying ad valorem duties of 33½ per cent, on the existing duties on all other articles, as attended with very little danger, and preferable to any other new source of taxation. A renewal of the duty on salt, which produced six hundred thousand dollars a year, may be exceptionable in other respects, but, on account of the bulk of the article, is liable to no objection in the present view of the subject.

It was stated, in the annual report of December last, that an increase of duties would, not on account of the terms of credit allowed for the payment of duties, supersede the necessity of a loan for the service of this year. The amount of that loan might, of course, be diminished, if no credit, or a credit of only sixty days, was allowed for the payment of the proposed additional duties.

Public Lands.—These constitute the only great national resource exclusively of loans and taxes. They have already been mentioned as forming a fund for the ultimate extinguishment of the public debt; and the possibility of their being used as a means of facilitating loans, has been suggested. A portion might also be usefully applied as a bounty to officers and soldiers, whenever it may become necessary to raise a considerable force. But, as an object of immediate revenue, I much doubt whether this can be materially increased without a radical change in the present system.

Not less than ten land offices are now in full operation, offering a great choice of good lands, situated in various climates, and suited to the habits of the citizens of every portion of the Union. They are sold at the rate of two dollars and sixty-four cents, if paid for at the time of purchase, and in tracts of one hundred and sixty acres. As much is sold as there is actual demand for land in similar situations at that price. The sales are, however, almost exclusively confined to those who are, or intend to become, actual settlers, and all the money which can be raised by that description of purchasers, is annually paid to the United States. In order to increase immediately the amount of sales, a different capital from that which has heretofore been

applied to that object, the capital of persons who will purchase for the purpose of selling again, with a profit, must be brought into action. But it is evident that no person will purchase lands, at the present price, as an object of speculation, whilst the United States continue to sell at the same price in small tracts. To effect the proposed object, it would be necessary not only to reduce the price, but to make a difference between that of lands sold in large tracts, and that asked for small tracts, sufficient to encourage purchases on an extensive scale. That alteration might produce an additional revenue, but appears to me extremely injurious in other respects. The present system of sales has been tried, and answers the expectations of the Legislature. A gradual increase must, notwithstanding some temporary fluctuations, necessarily take place. On that I would rely; nor would I venture to suggest any other change than that already proposed on a former occasion—a moderate and general reduction of prices, discontinuing, at the same time, all sales on credit, but continuing to sell, at the same rate, large or small tracts of land.

I have the honor to be, very respectfully, sir,
your obedient servant.

ALBERT GALLATIN.

Hon. J. W. EPPES, *Chairman, &c.*

Extract from the Annual Report of the Secretary of the Treasury, dated November 6, 1807.

It will be sufficient to state, 1st. That it appears necessary to provide a revenue at least equal to the annual expenses on a peace establishment, the interest of the existing debt, and the interest on the loans which may be raised. 2d. That those expenses, together with the interest of the debt, will, after the year 1808, amount to a sum less than seven millions of dollars, and, therefore, that, if the present revenue, of fourteen millions five hundred thousand dollars, shall not be diminished more than one half by a war, it will still be adequate to that object, leaving only the interest of war loans to be provided for.

Whether taxes should be raised to a greater amount, or loans be altogether relied on, for defraying the expenses of a war, is the next subject of consideration.

Taxes are paid by the great mass of the citizens, and immediately affect almost every individual of the community; loans are supplied by capitals, previously accumulated by a few individuals. In a country where the resources of individuals are not generally and materially affected by the war it is practicable and wise to raise by taxes the greater part at least of the annual supplies. The credit of a nation may, also, from various circumstances, be, at times, so far impaired, as to leave no resource but taxation. In both respects, the situation of the United States is totally dissimilar.

A maritime war will, in the United States, generally and deeply affect, whilst it continues, the resources of individuals; as not only commercial profits will be curtailed, but principally

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because a great portion of the surplus of agricultural produce necessarily requires a foreign market. The reduced price of the principal articles exported from the United States will operate more heavily than any contemplated tax. And, without inquiring whether a similar cause may not still more deeply and permanently affect a nation at war with the United States, it seems to follow, that, so far as relates to America, the losses and privations, caused by the war, should not be aggravated by taxes, beyond what is strictly necessary. An addition to the debt is doubtless an evil: but experience having now shown with what rapid progress the revenue of the Union increases in time of peace, with what facility the debt, formerly contracted, has, in a few years, been reduced, a hope may confidently be entertained that all the evils of the war will be temporary, and easily repaired; and that the return of peace will, without any effort, afford ample resources for reimbursing whatever may have been borrowed during the war.

The credit of the United States is also unimpaired, either at home or abroad; and it is believed that loans, to a reasonable amount, may be obtained on eligible terms. Measures have been taken to ascertain to what extent this may be effected abroad. And it will be sufficient here to suggest, that the several banks of the United States may find it convenient, after the ensuing year, and as the diminished commerce of the country may require less capital, to loan to Government a considerable portion of their capital stock, now computed at about forty millions of dollars.

It might be premature to enter into a particular detail of the several branches of revenue, which may be selected, in order to provide for the interest of war loans, and to cover deficiencies in case the existing revenue should fall below seven millions of dollars. A general enumeration seems at present sufficient.

1. Not only the duty on salt and the Mediterranean duties may be immediately revived, but the duties on importation, generally, may, in case of war, be considerably increased, perhaps doubled, with less inconvenience than would arise from any other mode of taxation. Without resorting to the example of other nations, experience has proven that this source of revenue is, in the United States, the most productive, the easiest to collect, and the least burdensome to the great mass of the people. In time of war, the danger of smuggling is diminished; the scarcity of foreign articles prevents the duty ever falling on the importer; the consumers are precisely those members of the community who are best able to pay the duty; and the increase of domestic manufactures, which may be indirectly affected, is, in itself, a desirable object.

2. Indirect taxes, hower ineligible, will, doubtless, be cheerfully paid as war taxes, if necessary. Several modifications of the system formerly adopted might, however, be introduced, both in order to diminish some of the inconveniences which were experienced, and, particularly, to insure the collection of the duties.

3. Direct taxes are liable to a particular objection, arising from the unavoidable inequality produced by the general rule of the Constitution. Whatever difference may exist between the relative wealth, and consequent ability of paying, of the several States, still the tax must necessarily be raised in proportion to their relative population. Should it, however, become necessary to resort to that resource, it is believed that a tax raised upon that species of property in each State, which, by the State laws, is liable to taxation, as had originally been contemplated by Congress, would be preferable to a general assessment, laid uniformly on the same species of property in all the States, as was ultimately adopted."

Extract from the Annual Report of the Secretary, of the Treasury, of December 10th, 1808.

"It is certainly only with a view to war, either immediate or contemplated, that it will become necessary to resort, at least to any considerable extent, to extraordinary sources of supply.

Legitimate resources can be derived only from loans or taxes; and the reasons which induce a belief that loans should be principally relied on, in case of war, were stated in the annual report of last year. That opinion has been corroborated by every subsequent view which has been taken of the subject, as well as by the present situation of the country. The embargo has brought into, and kept in the United States, almost all the floating property of the nation. And whilst the depreciated value of domestic products increases the difficulty of raising a considerable revenue by internal taxes, at no former time has there been so much specie, so much redundant unemployed capital, in the country. The high price of public stocks, and indeed of all species of stocks, the reduction of the public debt, the unimpaired credit of the General Government, and the large amount of existing bank stock in the United States, leave no doubt of the practicability of obtaining the necessary loans on reasonable terms.

The geographical situation of the United States, their history since the Revolution, and, above all, present events, remove every apprehension of frequent wars. It may, therefore, be confidently expected, that a revenue derived solely from duties on importations, though necessarily impaired by war, will always be amply sufficient, during long intervals of peace, not only to defray current expenses, but also to reimburse the debt contracted during the few periods of war.

No internal taxes, either direct or indirect, are therefore contemplated, even in the case of hostilities carried on against the two great belligerent Powers. Exclusively of the authority which must, from time to time, be given to borrow the sums required, (always providing for the reimbursement of such loans within limited periods) and of a due economy in the several branches of expenditure, nothing more appears necessary than such modifications, and increase of the duties

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on importations, as are naturally suggested by existing circumstances.

Although importations have already considerably diminished, and may, under the system now in force, shortly be altogether discontinued, no reasonable objection is perceived against an increase of duties on such as may still take place.

Had the duties been doubled on the 1st of January, 1808, as was then suggested, in case of war, the receipts into the Treasury, during that and the ensuing year, would have been increased nine or ten millions of dollars. Those articles of most universal consumption, on which an increase of duty would be inconvenient, are generally either free of duty, or abundant; it is, therefore, proposed, that not only the Mediterranean duties, which will expire on the first day of January next, should be continued, but that all the existing duties should be doubled on importations subsequent to that day."

UNSETTLED ACCOUNTS.

[Communicated to the House, March 23, 1810].

Mr. QUINCY made the following report: The committee to whom was referred the report of the Comptroller of the Treasury, transmitting a statement of the unsettled accounts of the Treasury, War, and Navy Departments, in conformity with the act passed the 3d of March, 1809, have taken that subject into their consideration, and have deemed it their duty particularly to inquire into the actual state of those balances, which, by that report, appear of great nominal amount, and of which no account had been rendered, notwithstanding a considerable length of time had, in many cases, elapsed, since the termination of those services, on which the public moneys had been originally advanced. It appeared to your committee due, both to the individuals charged with those balances and to the public, that all the knowledge possessed by the officers of the Treasury, tending to reduce the amount of those nominal balances, should be ascertained and communicated, to the end that, on the one hand, injurious suspicions should not be allowed to circulate under the sanction of a Treasury statement; and, on the other, that real delinquency should not remain concealed, or find countenance in the number and greatness of these unsettled balances.

Your committee, therefore, addressed a letter to the Comptroller of the Treasury, containing a list of the names of all those individuals who appeared, from his report, to have "rendered no account," and whose accounts, from the greatness of the balances stated, required, in the opinion of the committee, a more distinct elucidation, and requested, in relation to these accounts, a particular statement of all credits, which, either from informal evidence, or from the operation of the laws relative to appropriation and expenditure, or from known services rendered, were, within the knowledge of the officers of the Treas-

ury, just and certain offsets against the nominal balance stated, in his report, as due from each individual. The letters marked A and B, annexed to this report, contain the information requested from the Comptroller of the Treasury, and compress, as far as the knowledge of the officers of the Treasury authorizes, the sphere of apparent delinquences of each of those individuals.

The greatness of these nominal balances, and the length of time which had been permitted to elapse, with respect to some of them, without account rendered or demanded, indicated, in the opinion of your committee, a state of accountability for public moneys, not sufficiently safe for the public, nor just to individuals. The laws, also, relative to this subject, appeared to them, upon examination, susceptible of amendment. They establish no fixed periods, within which receivers of public moneys shall account with the Treasury. They leave the time of calling receivers of public moneys to account wholly to the discretion of the Comptroller of the Treasury. They require, in order to charge the debtor with costs, a previous notice from the Comptroller, which protracts and embarrasses the enforcing adjustment of accounts. The tendency of these defects in the law has been to render receivers of public moneys negligent in rendering their accounts, and to expose the officers of the Treasury to inconvenience in compelling settlement. By entrusting so wide and general a discretion to those officers, there is thrown upon them an unnecessary and inexpedient responsibility. With respect to receivers of public moneys, in foreign countries, the effect has often been to procrastinate any settlement of their accounts until their return to the United States; when, from the length of time which has intervened, and the difficulty of rectifying mistakes or deficiencies in vouchers, at a distance from the place where the expenditure was incurred, an expeditious and satisfactory adjustment is almost always difficult, and sometimes impracticable. Your committee, therefore, addressed a letter to the Secretary of the Treasury, making inquiry whether, in his opinion, the provisions of the law, relative to the accountability of the agents and receivers of public moneys, both at home and in foreign countries, were as complete as the public good requires, or as the nature of each particular service will permit, and requesting that, if the present system, in his opinion, was susceptible of any practical amendment, so as to insure a more regular and punctual adjustment of the public accounts, that he would furnish your committee with a statement of such as he thought advisable.

The letters marked C and D, annexed to this report, contain the reply of the Secretary of the Treasury to that letter. In conformity with the principles recommended by him and the Comptroller, your committee have prepared a bill, which accompanies this report, and which they ask leave to present for the consideration of the House.

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A.

TREASURY DEPARTMENT,

Comptroller's Office, February 28, 1810.

SIR: On the receipt of your letter, of the 25th ultimo, application was immediately made to the Department of State, for the information required by the committee. This information is communicated by a letter, dated yesterday, from the head of that Department. Hence the cause of the delay which has taken place.

The report which I had the honor to submit to the House of Representatives, at an early period of the session, in obedience to the act of the third of March, eighteen hundred and nine, entitled "An act further to amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments," contained all the information which the Treasury Department afforded. To prevent improper and unfavorable impressions, I thought it necessary to observe, that "some of the balances standing on the books of the Treasury, although nominally large, will, without doubt, be greatly lessened, if not wholly extinguished, when a settlement shall take place, particularly those against foreign ministers and agents; the advances having been made on account of salary and other official expenditures." Any further remark was deemed unnecessary.

The information received from the Department of State, enables me to be more particular with respect to those persons, a list of whose names is contained in your letter; that is to say:

	Nominal balance.
James Monroe - - -	\$81,555 63
Charles Pinkney - - -	66,117 84
William Pinkney (as Minister Plenipotentiary) - - -	42,117 78
William Smith - - -	34,964 69
Joseph Donaldson, jr. - - -	490,139 55
Christopher Gore - - -	53,222 22
Christopher Gore and Wm. Pinkney - - -	40,943 59
William Pinkney (as commissioner) - - -	55,646 41
Samuel Sitgreaves - - -	15,247 20

On the settlement of the accounts of Mr. Monroe, he will be credited with his salary, viz: nine thousand dollars per annum, from the 12th of January, 1803, to the 15th November, 1807; an outfit equal to a year's salary; and a quarter's salary for the expenses of returning home. He will also be entitled to credit for a salary of one thousand three hundred and fifty dollars per annum, paid to the Secretary of Legation, during the period of service. Also, for contingent expenditures, such as postages, couriers, &c., usually allowed in similar cases.

Mr. Charles Pinkney will be credited with the same amount for outfit, and for salary from the 10th of July, 1801, to the 2d October, 1805, and a quarter's salary for the expenses of returning. Also, with one thousand three hundred and fifty dollars per annum to a Secretary of Legation,

during his term of service, and for the usual contingent expenditures.

Similar allowances will be passed to the credit of Mr. William Pinkney, when his account at Minister Plenipotentiary shall be rendered, after the termination of his mission.

Mr. Smith's mission, as Minister Plenipotentiary at Lisbon, commenced on the 18th of July, and ceased on the 9th of September, 1801. He will be entitled to similar credits.

Mr. Gore's account as a commissioner, under the 7th article of the treaty of 19th November, 1794, has since been settled, and the balance due from him to the United States is ascertained to be \$900 69.

Mr. William Pinkney, as a commissioner, under the same treaty, will be entitled, on the settlement of his account, to credit for salary, from the 17th of May, 1796, to the 23d day of February, 1804, and for a quarter's salary for the expense of returning. The salary fixed by law is \$6,667 50 per annum.

Mr. Sitgreaves was a commissioner under the 6th article of the same treaty. His compensation commenced on the 20th of November, 1798, and ceased on his return from London, which was, as stated in his letter, in June, 1801. The salary fixed by law, is four thousand four hundred and forty-five dollars per annum. This Board ceased to act on 31st July, 1799; but it was the intention of the then President, that his salary should be continued until his return from London, whither he had been sent on the business of the Board. This intention appears in a letter from the Secretary of State, to Rufus King, Esq., of the 8th of February, 1800, an extract of which is here given: "I give Mr. Sitgreaves a letter, desiring him to draw on you for his expenses, which are to be defrayed by the United States. He will, besides, receive here, his salary as a commissioner under the 6th article of the British treaty." Under this authority, Mr. Sitgreaves conceives that he is not liable to account. In his letter to me, he observes, "It must be obvious that such an arrangement excluded all idea of accountability; and that, from the nature of the case, it would be impossible, or, if possible, could not have been expected, that I should keep or render an account or vouchers for the numberless items of detail which enter into the expenses of a gentleman abroad." My view of the circumstances of this case, however, being different from that of Mr. Sitgreaves, I shall persist in requiring an account from him.

Mr. Donaldson was appointed Consul of the United States, at Tripoli and Tunis, on the 28th of March, 1795, and on the 10th of July, he was superseded, in both appointments, by Mr. Cathcart, at the former place, and by Mr. Eaton at the latter. These gentlemen, however, did not sail from the United States until December of the following year.

Mr. Donaldson was also employed in ascertaining and agreeing upon the provisional or preliminary articles of a treaty with Algiers; and he was authorized, under the directions and instruc-

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tions of Colonel Humphreys, to cause the money appropriated by law for that purpose, to be paid at Algiers, in the manner to be agreed upon. Mr. Donaldson, while employed in these agencies, was allowed his expenses, and one hundred dollars per month. After he was established as Consul, he was entitled only to the salary limited by law. I have no information as to the precise time when his consulate ceased, nor has any account of the money paid by him, under the treaty with the Regency of Algiers, been rendered.

The amount standing to the debit of Mr. Donaldson, was ascertained upon the settlement of the accounts of bankers and foreign agents, as particularized below.

Thomas Pinkney	-	-	-	\$444 44
Richard O'Brien	-	-	-	2,000 00
J. and F. Baring and Co.	-	-	-	186,405 93
J. Bulkeley and Son	-	-	-	614 27
Parish and Co.	-	-	-	75,674 91
H. and A. Fonnereau	-	-	-	140,000 00
J. Dohram and Co.	-	-	-	85,000 00

\$490,139 55

The foregoing accounts, except the two first, were settled in the month of August last.

The correspondence with foreign Ministers and agents, during their residence abroad, is with the Department of State. Upon their return to the United States, their accounts are usually rendered to that Department, and from thence transmitted to the Treasury Department. Where a balance appears against a foreign minister or agent, upon the books of the Treasury, he is called upon by the Comptroller, to render his accounts. There is no fixed period for the performance of this duty. In the exercise of his discretion, the officer must be governed by a knowledge of the character and circumstances of the agent, the nature of his service, and the probability of the result of an adjustment of his accounts. With respect to the practice which has obtained in such cases, it is scarcely necessary to add to what has been premised. A letter from this office, dated 27th of September, 1803, to Colonel Humphreys, affords, I believe, the first instance of a call on a Minister of the United States, to render his accounts. A few settled promptly; and an adjustment of the accounts of others, after they were rendered, were unavoidably postponed, for want of the requisite vouchers.

An abstract of the proceedings of the board of commissioners under the 7th article of the treaty of 1794 has been received from the Department of State. By this abstract, it appears that the expenses of the Board, including the salary of the fifth commissioner, amounted to £21,802 17 6 sterling, which sum, at the rate of \$4 44, to the pound sterling, is equal to \$96,804 76.5. The abstract does not show what part of this account was paid by the commissioners of the United States. It appears, however, that, upon a final adjustment of the accounts of the Board, in London, on the 23d of February, 1804, there remained

a surplus of £526 4 9, to be returned to the Government of the United States. I have the honor to be, &c.

G. DUVAL.

JOSIAH QUINCY, Esq.

B.

TREASURY DEPARTMENT,
Comptroller's Office, March 9, 1810.

SIR: Since my letter of the 27th ultimo to you, Mr. Gore has remitted the balance due to the United States. His account is closed on the books of the Treasury.

I have the honor to be, &c.

G. DUVAL.

JOSIAH QUINCY, Esq. *Chairman, &c.*

C.

TREASURY DEPARTMENT,
March 14, 1810.

SIR: I communicated your letter, of 3d ultimo, to the Comptroller of the Treasury, with a request that he would state those amendments to existing laws, which in his opinion, would insure a more regular and punctual adjustment of the accounts of public agents and other receivers of public moneys. I now have the honor to transmit his answer, to which I have nothing to add beyond what I had verbally suggested, viz: An express provision, directing all public agents, or other receivers of public moneys, to render quarterly accounts, if residing within the United States, and at least annually, if abroad. In case of failure, the Comptroller should be authorized, for the reasons he states, to institute suit, without being obliged to give the notice now required by law.

I have the honor to be, &c.

ALBERT GALLATIN.

Hon. JOSIAH QUINCY *Chairman, &c.*

D.

TREASURY DEPARTMENT,
Comptroller's Office, March 7, 1810.

SIR: I have had under consideration that part of your letter of the 6th ultimo, requesting my opinion with respect to any improvement which may be made in the present system regulating the settlement of accounts and collection of the balances due to the United States.

The system appears to me to be susceptible of amendment. The acts which at present exist, and prescribe the rules to be observed, in recovering debts due to the United States, are,

1st. An act for the more effectual recovery of debts due from individuals to the United States, passed the 3d day of March, 1795; and

2d. An act to provide more effectually for the settlement of accounts between the United States and receivers of public money, passed on the 3d of March, 1797.

The first of those acts, in prescribing the preliminaries to a suit, in order to charge the debtor

Bank of the United States.

with the costs, is too circuitous and dilatory in its provisions. Letters by mail are subject to casualties, and the delay or mistake of a day frustrates the whole proceeding. I think it would be sufficient, after a debtor had refused to render his accounts at the period required by law, to fix a stated period, say three months, beyond which he should not be indulged, and if his accounts should not be rendered in that time, he should be liable to pay costs, in case of suit, which it should be the duty of the Comptroller to order, after the expiration of three months.

It should also be the duty of the accountants of the War and Navy Departments, in all cases where persons entrusted with the expenditure of public money should die, resign, or otherwise cease to be employed, to make, forthwith, a separate report, in each case, to the accounting officers of the Treasury, in order that a suit might be directed for the recovery of the balance, after adjustment. If this be prescribed by law as a duty, it would produce a more ready compliance than instructions to the same effect from this Department.

The great object to be obtained is to prescribe regulations which will coerce public debtors to render their accounts regularly, at stated periods. After they are rendered, there is seldom any difficulty in adjusting them.

The accounts of all foreign Ministers, and other agents, should be rendered to the Department of State, and from thence should be transmitted, without delay, to this Department, for settlement.

All which is respectfully submitted.

I have the honor to be, &c.

G. DUVALL.

ALBERT GALLATIN, Esq.
Secretary of the Treasury.

BANK OF THE UNITED STATES.

[Communicated to the Senate, April 4, 1810.]

The Secretary of the Treasury, in obedience to the resolution of the Senate, of the second instant, respectfully reports:

That the statement annexed to the report made to the Senate, on the second day of March, 1809, contained all the dividends made by the Bank of the United States, from its establishment to the date of the report, as stated to the Treasury by the bank.

That the annexed table, A, being a transcript of the abovementioned statement, with the addition of the dividends made on the first day of July, 1809, and on the first day of January last, embraces not only the ordinary semi-annual dividends of four per cent. but also of the extra dividends which are within the knowledge of this Department, and which, it is believed, have ever been made by the bank; making, in the whole, an average of 8 13-36 per cent. a year.

That there remained to the credit of the bank,

after payment of the dividend made on the first day of January last, a surplus of \$409,410, consisting of two items, viz; \$125,000 designated by the name of "General Bank Estate," intended as an offset against the decay and presumed loss in case of sale, of the real estate of the Bank, that estate having been paid for from the capital stock, and not from the profits of the bank; and \$284,410, designated by the name of "Contingent Fund," intended, in the first place, to cover losses arising from bad debts not yet actually lost; and the residue of which, if any, will be applicable to another extra dividend.

That the nominal profit resulting to the bank, from each of its offices of discount and deposit, could not be ascertained without an investigation of all the weekly returns made to this Department; and that there are no returns from which the actual loss sustained by each office can be known.

But that the statement B shows the permanent capital given to each office of discount and deposit; the balance due in account current by the offices, to the bank, (exclusive and in addition to the said permanent capital) on the 27th day of March last; the amount of the notes actually discounted and due to the bank by the last returns, specifying the amount discounted at Philadelphia, and at each office, respectively, and an estimate of the gross amount of the annual expenses and losses of the bank, including its several offices; by which it appears that the annual expenses, being about \$125,000 a year, the ascertained losses must, in the whole, have amounted to about \$35,000 a year.

All which is respectfully submitted.

ALBERT GALLATIN.

TREASURY DEPARTMENT, April 3d, 1810.

A.—Dividends on United States Bank Stock.

No.	Date.	Rate pr. cent.	No.	Date.	Rate pr. cent.
1	July, 1792	4	19	July, 1801	4
2	January, 1793	4	20	January, 1802	4†
3	July, "	3½*	21	July, "	4½†
4	January, 1794	3½*	22	January, 1803	4½†
5	July, "	4	23	July, "	4
6	January, 1795	4	24	January, 1804	4½†
7	July, "	4	25	July, "	4
8	January, 1796	4	26	January, 1805	4
9	July, "	4	27	July, "	4
10	January, 1797	4	28	January, 1806	4
11	July, "	4	29	July, "	4
12	January, 1798	5†	30	January, 1807	6†
13	July, "	4	31	July, "	4
14	January, 1799	4	32	January, 1808	4
15	July, "	4	33	July, "	4
16	January, 1800	4	34	January, 1809	4
17	July, "	4	35	July, "	4
18	January, 1801	6†	36	January, 1810	4

* Dividends falling short of the rate of 8 per cent. per annum.
† Including extra dividends.

Remission of Penalties.

B.—*Statement of the capital of the several branches, and of the Bank of the United States, and of the amount of discounts by the last received returns.*

Cities, &c.	Capital.	Amt. of notes discounted.
Boston - - -	\$700,000	\$998,859
New York - - -	1,800,000	4,175,874
Baltimore - - -	600,000	1,349,550
Washington - - -	200,000	485,285
Norfolk - - -	600,000	880,170
Charleston - - -	600,000	1,409,916
Savannah - - -	500,000	1,054,113
New Orleans - - -	300,000	611,517
Philadelphia—	\$5,300,000	
Balance due the bank, in account current, by the offices - \$750,000		
Cap'l reserved 3,950,000		
	4,700,000	4,572,586
	\$10,000,000	\$15,537,870
Funded debt - - -	-	1,411,627
		\$16,949,497

Estimate of the expenses and losses of the Bank.

Six per cent. on \$17,000,000, estimated, as per above, as the amount usually loaned on interest, is, per annum, \$1,020,000, to wit:

Dividends of 8 13-36 per cent. a year on ten millions of dollars, actually paid to the stockholders, is, per annum - - - - - \$836,111

Undivided surplus on the 1st January, 1810, \$409,410, divided by 18 years, would be equal to an annual dividend of - - - 22,745

Leaving for the estimated annual amount of expenses and losses - - - - - 161,144

Total - - - - - \$1,020,000

REMISSION OF PENALTIES.

[Communicated to the House, April 7, 1810.]

Mr. NEWTON, from the Committee of Commerce and Manufactures, to whom was referred the petitions of Hugh Smith, Philip and Nicholas Rogers, jun., John P. White, and William A. Caldwell, William Gaston, James Jones, and James Hathaway, made the following report:

Hugh Smith, a merchant of Alexandria, District of Columbia, states that, on the 13th of August, 1808, he became bound with McClanahan, in a bond to the United States, in the penalty of sixteen thousand six hundred and ninety-six dollars, conditioned that Andrew Stewart, master of the Brig Catharine, should not, in transporting a cargo of flour to Boston, violate the embargo laws. The petitioner is a glass and china merchant, no otherwise engaged in navigation than barely to import such articles as above stated; and in a few instances, to ship tobacco on commission. During the operation of the embar-

go, he made no shipments, either directly or indirectly.

His acquaintance with McClanahan was in consequence of an intimacy between their wives, previous to marriage; McClanahan, at the time the petitioner became his security, bore a good character.

The petitioner being sick, and confined to his house, did not learn, until a considerable time after signing the bond, that a few persons who attended to the manner of shipping the cargo, and the supply of provisions, and water taken on board the Brig Catharine, suspected the honesty and fair intentions of McClanahan.

Capt. Stewart, instead of going to Boston, went to Barbadoes, at which island he arrived, as the petitioner has every reason to believe, with the connivance of McClanahan, on the 15th November, 1808.

As soon as the petitioner was informed of this last fact, he wrote to the Secretary of the Treasury, stating the facts to him. The Secretary of the Treasury, in his own handwriting, makes the following note on the back of the petition: "I have no doubt of the innocence of the petitioner. The District Attorney of Virginia has been instructed to prosecute McClanahan, but he is not supposed to be able to pay the penalty. It is true, as stated by the petitioner, that he gave the first information to this Department, and wrote the several letters mentioned in the petition."

The petitioner, on the 31st of March, 1810, presented to the House a copy of the certificate, signed by James Sullivan, Governor of Massachusetts, addressed to the Collector of the port of Alexandria, in the District of Columbia, certifying that 1,400 barrels of flour were wanting for supplies, to which reference is made for further particulars. The petitioner does not, in his petition, state that he was induced to become McClanahan's security in consequence of the Governor's certificate. The petitioner sustains a good character.

Henly Woodward, a merchant residing at Tappahannock, in the State of Virginia, states that he has never been engaged in navigation further than to ship the produce of the country to merchants residing in the United States, for the purpose of making remittances. That, in consequence of a letter addressed to him by Samuel Lyon, of Baltimore, he became security for Joseph Shutz, in the bond executed by Thomas West and Joseph Shutz, to the United States, in the penalty of sixteen thousand dollars, on the 10th January, 1809, conditioned that the schooner Jane, of Baltimore, of which the said Thomas West was master, should not proceed to any foreign port or place, and that the cargo should be landed in some port of the United States.

The memorialist was influenced, in a great measure, to become security to the bond, in consequence of seeing a letter, addressed to the collector of Tappahannock, by William S. Stone, of Fredericksburg, recommending the said Shutz as a person worthy of confidence. Samuel Lyon has since failed.

Remission of Penalties.

The cargo was not landed in any port or place of the United States. The petitioner's character is well supported, and the committee entertain no doubts as to the truth of the facts set forth in the petition. The Secretary of the Treasury makes the following note on the back of the petition: "I have no doubt of the innocence of the petitioner." Several letters accompany the memorial, to which the committee beg leave to refer.

Philip Rogers, and Nicholas Rogers, jun., merchants, of the city of Baltimore, state, that they were joint owners of one half of the brig Sally, whereof a certain Henry Travers was captain, and also half owner; that the said brig sailed on the 2d of September, 1808, from the port of Baltimore, to the port of Charleston, South Carolina, and conditionally to the port of Savannah, Georgia, with a cargo of flour, and some other articles, partly shipped by Philip Rogers and the said Travers.

It is also stated by Nicholas Rogers, that he owned but a fourth part of the said brig, as a donation from his father, Philip Rogers; that he owned no part of the cargo; that he was absent when the said brig was loaded for Charleston; and that he left the sole management of this matter to his father, to whom the greatest part of the cargo belonged. That Captain Travers, previous to the sailing of the said brig, received from Philip Rogers, by a letter, dated 1st September, 1808, positive instructions to dispose of the flour, &c., at Charleston or Savannah, all which will appear by reference to the letter contained in the body of the petition. The petitioners further state, that the said Travers, on arrival at Charleston, sold a very small part of the cargo there; that he proceeded, thence, to Savannah, first giving, as his securities, Messrs. John P. White and William A. Caldwell, in conformity to law. The petitioners state that the said Travers, instead of going to Savannah, proceeded to Kingston, in Jamaica, in violation of law, and the positive instructions given to him by Philip Rogers. The last mentioned petitioner states, that he received from Captain Travers, for the sale of the brig's cargo at Kingston, not more than \$3,304, the said Travers retaining all the profits for himself. The petitioners state that they are sued for \$9,120, in the district court of Maryland, and Caldwell, and White, in that of South Carolina, and also, that they hold themselves bound, in case of recovery against Caldwell and White, to indemnify them. The petitioners further state, that Captain Travers is dead, leaving property to the amount only of two thousand dollars. They pray that the penalties incurred by them and Caldwell and White, through the misconduct of the said Travers, may be remitted.

The petition of John P. White and William A. Caldwell is the same case with the one now stated, as reference to the petition will show.

The Secretary of the Treasury states, in a note on the petition, the following remarks: "Judge states the facts to be true. Observe, however, that Travers, who violated the law, was employed by the petitioners as their captain."

William Gaston, a citizen of the State of Georgia, states, that, in the course of trade and mercantile concerns, he became acquainted with Robert Charles, of New York, owner of the brig Eliza and Mary; that the said brig, consigned to the petitioner, had made several voyages from Georgia to New York, loaded by the petitioner. That, in January, 1809, the said brig arrived in the port of Savannah, having the persons of Robert Charles, the owner, and Abraham Grimshaw, James Hutchinson, and Joseph Musgrove, passengers on board; Abraham Hall being the master. Grimshaw, Hutchinson, and Musgrove, were separately introduced to the petitioner, and recommended, as strangers, to him. These last mentioned persons agreed to load, with cotton, the said brig for New York; while loading, the petitioner received from Augusta, 54 bales of cotton, with directions to sell or ship the same to New York; the price being low at Savannah, he shipped the same on board the said brig. On the 21st of January, 1809, the said brig was ready for sea, having on board 301 bales of cotton—247 the property of Grimshaw, and Musgrove, and 54 that of Messrs. Phelps and Howard, of Augusta. The petitioner states that, at the instance of the owner and these men, to wit, Grimshaw, Hutchinson, and Musgrove, he went to the custom-house, and cleared the said brig, and gave bonds, together with Uel Merrill, a merchant of the said city, as his security, to which bonds the master of the said brig was also a party, for the safe arrival of the said brig in New York, dangers of the sea excepted, with a full, fair, and perfect confidence, that the real destination was for that port, and that the said brig was prosecuting a lawful voyage. On the 24th of January, 1809, the said brig proceeded to sea, having on board her owner and Musgrove, leaving Grimshaw and Hutchinson in Savannah. On the 25th, the day following the sailing of the brig, the two last mentioned persons called on the petitioner, and purchased the 54 bales of cotton then on board the said brig, belonging to Phelps and Howard, offering therefor, a price equal to that of the New York market, on a credit, which offer the petitioner accepted. On the same day, Grimshaw and Hutchinson took their passage for New York, and proceeded down the river to sea; previous to brig's sailing, Grimshaw, Hutchinson, and Musgrove, had engaged with the petitioner for the storage of 300 bales of cotton, to furnish a cargo for the said brig, on her return to Savannah. Immediately after the departure of Grimshaw and Hutchinson, the petitioner was informed of some things that excited suspicion, which, on examination, he found too well supported; he immediately applied to counsel for advice, and as the vessel on board of which Grimshaw and Hutchinson had embarked, was detained by contrary winds, he took out process, and had the same served, at the suit of the United States, for an infraction of the embargo laws. The petitioner acknowledges that the said brig went to Liverpool, which fact, as soon as it was ascertained, he made the collector acquainted with—was always ready to give any

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evidence in his power to bring the guilty to punishment. The petitioner sustains a fair and good character. The Secretary of the Treasury makes the following note on the petition: "The Judge does not positively state the facts to be true; and although he inclines, from Gaston's character, to believe him innocent, he alleges some reasons why the petitioner ought not to become security."

The petition of James Jones, of Hertford county, in the State of North Carolina, and of James Hathaway, the elder, of Edenton, in the same State, states that, sometime in the month of November, 18—, a schooner, called the Federal Jack, arrived at Edenton, from Boston; she was commanded by Joseph Lewis, who appeared to be an owner or part owner; that her company was made up of a certain Bordin Turner and — Young, and two negroes. Captain Lewis brought a certificate signed by the deputy naval officer of Boston, endorsed upon one of the ships' papers, in the following words: "It is the intention of the owners of this vessel to bring back a cargo of pitch, tar, and turpentine, rice and corn, for the consumption and use of this district." The petitioners state that, after purchasing a cargo, Capt. Lewis being in apparent distress, as he could not sail, on account of having no person to become his security, that the petitioners, after much persuasion and difficulty, became security for re-landing the cargo in some port or place in the United States, on the following conditions: that the persons belonging to the said schooner should leave her, and put on board another captain and company; this arrangement was acceded to, and the vessel sailed, in the month of January, 18—, for Boston, under the command of Daniel S. Brooks, with Preston Hathaway, and the said two negroes, for her company; Lewis Turner, and Young, departed from Edenton about the same time, intending, as they pretended, to travel to Boston by land. The petitioners became bound, in a bond to the United States, in the sum of \$3,384, as securities for the re-landing the cargo in the United States.

Young, Turner, and Lewis, instead of proceeding on to Boston by land, went to Washington, North Carolina, and thence to Ocracoeck, and on the arrival of the Federal Jack at the inlet, went on board of her. The petitioners state that Captain Brooks being apprehensive of those persons, he informed the captain of the revenue cutter at that place, that he believed it was the intention of Young, Turner, and Lewis, to go off with the vessel and cargo, in violation of the embargo laws, and had them removed from the schooner; it is also stated, that while the vessel was passing the bar, and under the direction of the pilot, and while Captain Brooks was engaged in the cabin, writing, Turner and Young got again on board the Federal Jack, and took the schooner from him. Captain Brooks was thereupon compelled to leave the vessel, in the pilot boat, and the said Turner and Young, retaining Preston Hathaway and the two negroes, proceeded on their voyage. The petitioners state that they have heard nothing of the said schooner; that they are sued for

the penalty of the bond, and pray to have the same remitted. The Secretary of the Treasury says, in a note on the petition, "the collector states the facts to be true."

The committee are of opinion that the reasoning in support of remitting the penalty incurred by Anthony Buck is infinitely more applicable to the petitioner, Hugh Smith, although, in support of his case, he did not rely on the Governor's certificate that flour was wanting for the consumption of Boston, as an inducement to his becoming the security of McClanahan. The committee, induced by the same reasons which they urged in support of the case of Anthony Buck, to which they beg leave to refer, (a) ask permission respectfully to submit the following resolution:

Resolved, That the prayer of the petitioner, Hugh Smith, is reasonable, and ought to be granted.

The Committee have give to the case of Henly Woodward, Philip Rogers, and Nicholas Rogers, jun., John P. White and William A. Caldwell, William Gaston, and of James Jones and James Hathaway, due attention and consideration.

The committee cannot perceive, in the evidence offered in support of the above cases, anything peculiarly hard, or that the petitioners have, by any act of the Government, been induced to do a thing, which the exercise of their own judgments, without its interference, would have resisted. If the committee had indulged a disposition of bringing into disrepute penal laws; if they were conscious that no time nor occasion could justify a resort to them for salutary purposes, or their enforcement, when enacted, they would not fail to seize the present opportunity of making a stand against this branch of jurisprudence; but, as they are convinced that this Government cannot be supported without the aid of penal statutes, they are clearly of opinion that such laws, when passed, should be enforced. They therefore respectfully submit the following resolution:

Resolved, That the petitioners have leave to withdraw their petitions.

[a.] NOTE.—The following is the report, in the case of ANTHONY BUCK, referred to in the foregoing:—]

The Committee of Commerce and Manufactures, to whom was referred the petition of Anthony Buck, of Fredericksburg, in Virginia, respectfully submit the following report:

Anthony Buck and a certain James A. Stuart, in 1808, became, jointly and severally, bound in a bond to the United States, the condition of which was, that James A. Stuart, master of the Sally Barker Windsor, of Hingham, in Massachusetts, should proceed from Fredericksburg to Hingham, with a cargo of flour, &c; and, also, that the said Stuart should, in no instance, violate the provisions of the embargo laws. The following statement of facts is made out from documents in the possession of the committee.

To prevent evasions and violations of the embargo laws, the President was invested with pow-

Remission of Penalties.

ers to limit the shipment of provisions to certain places, in larger quantities than was necessary for the supply thereof. The letter of the President to certain Governors, of 6th May, 1808, is as follows: "The evasions of the preceding embargo laws went so far towards defeating their objects, and chiefly by vessels clearing out coastwise, that Congress, by their act of April 25th, authorized the absolute detention of all vessels bound coastwise, with cargoes exciting suspicions of an intention to evade those laws. There being few towns on our seacoast which cannot be supplied with flour from their interior country, shipments of flour become generally suspicious, and proper subjects of detention. — is one of the few places on our sea board, which needs supplies of flour by sea, for its own consumption. That it may, not suffer by the cautions we are obliged to use, I request of your Excellency, whenever you deem it necessary, that your present, or any future stock should be enlarged, to take the trouble of giving your certificate in favor of any merchant in whom you have confidence, directed to the collector of any port usually exporting flour, from which he may choose to bring it, for any quantity which you may deem necessary for consumption, beyond your interior supplies, enclosing to the Secretary of the Treasury, at the same time, a duplicate of the certificate, as a check on the falsification of your signature. In this way we may insure a supply of the real wants of your citizens, and, at the same time, prevent those wants from being made a cover for the crimes against their country, which unprincipled adventurers are in the habit of committing. I trust, too, that your Excellency will find an apology for the trouble I propose to you, in that desire which you must feel, in common with all your worthy citizens, that inconveniences encountered cheerfully by them for the interests of their country, shall not be turned merely to the unlawful profits of the most worthless part of society."

The selectmen of Hingham addressed the following note to the Collector of Fredericksburg, (Tappahannock:)

"HINGHAM, Mass., Sept. 30, 1808.

SIR: The bearer, Captain James Stuart, of the schooner Sally Barker Windsor, sails from this for your port, and is desirous of purchasing a cargo of flour, corn, &c., &c., for this and the adjacent markets.

These necessary articles are getting scarce and dear. If you will permit him to take in a cargo for this port, you will oblige your humble servants.

JOHN CUSHING, }
JED. LINCOLN, } *Selectmen.*
JOHN LEAVETT, }

COLLECTOR of Fredericksburg, Va."

"PLYMOUTH, ss. 3d October, 1808.

I certify that the signers of the within written request are the selectmen of the town of Hingham, within this county.

SAMUEL NORTON.

THE COMMONWEALTH OF MASSACHUSETTS:

By His Excellency Jas. Sullivan, Esq., our Governor.

TO ALL WHO IT MAY CONCERN.

Know ye, that Samuel Norton, Esq., is a justice of the peace within and for our county of Plymouth, duly constituted, and that, to his acts and attestations, as such, full faith and credit are, and ought to be, given, in and out of court.

In testimony whereof, we have caused our seal to be hereunto affixed, at Boston, this fourth day of October, A. D. 1808, and in the thirty-third year of the independence of the United States of America.

JAMES SULLIVAN.

By His Excellency the Governor:

WM. TUDOR, Secretary.

James Stuart was a man unknown to anybody at Fredericksburg, when he arrived there. As is customary in all our seaports, he applied to the petitioner, Anthony Buck, a commission merchant of that place, to purchase a cargo of flour, &c., &c., which the said Buck agreed to do, receiving therefor the usual commissions. On the vessel's being loaded, the said Stuart informed the said Buck that, unless the latter became his surety in the bond required by the embargo laws, the former could not return home. The said Buck, in consideration of having purchased the cargo, and from the testimonials above inserted, which the said Buck took as a public recommendation, from high authority, of the integrity of the said Stuart, became his surety in the before mentioned bond.

The said Stuart states, that, near Nantucket, on his return voyage, he lost his bowsprit, in a violent storm, and all his water except one cask; that, in such a crippled situation, he was compelled to deviate from his course, and to steer for some Southern port; and he finally succeeded in getting into Havana. For particulars, the protest is referred to.

On the 13th of November, 1809, the said Buck was informed that the said Stuart had arrived at Boston, from Havana, notice of which he immediately communicated to the Secretary of the Treasury, for the purpose of having him arrested for a violation of the embargo laws. The petitioner has never been engaged in the shipping business. His character, from the papers accompanying the petition, stands fair. He has always proved himself to be a good citizen. On the petition is endorsed, in the handwriting of the Secretary of the Treasury, the following note: "— facts stated by the district judge to be true, I have no doubt of the innocence of the petitioner. Instructions have been given to prosecute Stuart, in Massachusetts." The committee beg leave to refer to the report of the Secretary of the Treasury, on the petition of Anthony Buck, dated on the 9th of January, 1810.

The committee, on a full consideration of the facts, as above stated, are convinced that the petitioner had no intention, in becoming the surety of Captain Stuart, to afford the latter an opportunity of evading the embargo laws.

Outstanding Revenue Bonds.

They are persuaded that the certificates required by the President's letter of the 6th of May, 1806, to enable merchants and others to procure supplies for home consumption, influenced the petitioner, in a great measure, to place confidence in the honor and integrity of Captain Stuart. As the certificates alluded to are set forth in the statement of the facts made out for the information of the House, the committee beg leave to refer to them for particulars. To say that penalties incurred, should, in no case, be remitted, would be unjust. It would be in direct opposition to that enlightened system of jurisprudence pursued since the commencement of this Government. To say that they ought to be remitted, generally, would be to disarm the Republic of one of its most powerful engines, and to defeat the end it should always keep in view—the good of the whole.

To avoid either extreme, the committee have laid it down as a rule, never to recommend a relaxation in the execution of penal laws, except in very hard cases: as, when the suffering party has, by an act of any branch of Government, been induced to do a thing, which, if it had not been for such official act, he would not have done. The case of the petitioner comes within the scope of this rule, if the consideration which the committee have given to it be correct. On the ground that the petitioner was induced, by the certificates above referred to, to become the surety of Captain Stuart, they ask permission to submit the following resolution:

Resolved. That the prayer of the petitioner is reasonable, and ought to be granted.

FREDERICKSBURG, 22d October, 1808.

SIR: The Governor of Massachusetts having, for some time back, declined to grant certificates for the transportation of provisions coastwise, the selectmen of the several towns have taken that authority upon themselves; but the collector of our district informs me that, agreeably to his instructions, he cannot permit Captain Stuart to clear out with more than one-third of the value of the vessel in produce, without permission from you. I have taken the liberty to enclose the certificate for your consideration, and have hopes that you will see the necessity of granting leave to load, on board the schooner Sally Barker Windsor, one thousand barrels of flour, to be cleared out, under bonds, for the port of Boston.

I am, with great respect, &c.

ANTHONY G. BUCK.

ALBERT GALLATIN, Esq.

TREASURY DEPARTMENT, October 24, 1808.

SIR: Your letter of 22d instant has been laid before the President. He does not think it proper to direct the Collector of Tappahannock to

deviate, in this instance, from the general rules by which he has heretofore been governed.

I am, very respectfully, &c.

ALBERT GALLATIN.

Mr. A. G. BUCK, *Fredericksburg.*

TREASURY DEPARTMENT, Oct. 24, 1808.

SIR: I enclose a certificate of the selectmen of Hingham, directed to you, and copy of a letter written this day to Mr. Buck of Fredericksburg, who had transmitted that paper. I do not know on what grounds that paper was issued, and if it shall be found necessary to ascertain the extent of shipments of flour and corn requisite for the consumption of Massachusetts, other steps will be taken for that purpose.

I am, very respectfully, &c.

ALBERT GALLATIN.

L. MUSE, Esq. *Collector, Tappahannock.*

REVENUE BONDS OUTSTANDING.

[Communicated to the Senate, April 17, 1810.]

TREASURY DEPARTMENT, April 16, 1810.

SIR: I have the honor, in obedience to the resolution of the Senate, of the thirteenth instant, to transmit a statement of the outstanding revenue bonds, amounting, on the first day of January last, to \$9,600,000.

But in that are included all the bad debts which have accrued on revenue bonds, from the commencement of this Government to that day. These, together with the debentures issued prior to the first day of January last, and remaining unpaid on that day, are estimated at one million of dollars, at least, and must be deducted from that nominal amount. The expenses of collection may be estimated at about four hundred thousand dollars.

The balance remaining in the Treasury on the first day of January last amounted to three million eight hundred and seventeen thousand nine hundred and seventy-six dollars and fifty-four cents.

It may not be improper to add, that the estimates of the probable receipts of this year, as stated in annual report made at the commencement of the present session of Congress, will not, so far as is now known, differ materially from the actual receipts, unless exportations of the foreign produce should exceed what had been presumed. The total amount of debentures payable in the year 1810, had been there estimated at two millions of dollars; and those paid before the first of April, amounted already, to \$1,360,000.

I have the honor to be, &c.

ALBERT GALLATIN.

HON. PRESIDENT OF THE SENATE.

Receipts and Public Debt.

Statement of bonds for duties on merchandise imported, outstanding at the several Custom-houses on the 1st January, 1810, taken from the accounts current of the Collectors, as rendered to the Treasury.

PORTS.	Amount of bonds outstanding Jan- uary 1, 1810.	PORTS.	Amount of bonds outstanding Jan- uary 1, 1810.
Portsmouth - - -	\$66,960 72	Perth Amboy - - -	6,730 21
Passamaquoddy - - -	(a) 22,229 69	Great Egg Harbor - - -	(a) 1,077 36
Frenchman's Bay - - -	397 50	Philadelphia - - -	1,949,049 47
Penobscot - - -	11,887 03	Detroit - - -	1,319 69
Waldoborough - - -	7,273 98	Michilimackinack - - -	(a) 12,032 30
Wiscasset - - -	19,875 53	Wilmington, Del. - - -	29,408 41
Bath - - -	19,881 69	Baltimore - - -	622,249 52
Portland - - -	39,026 60	Vienna - - -	558 14
Saco - - -	8,375 39	Snow Hill - - -	2,858 76
Kennebunk - - -	15,892 50	Georgetown, Col. - - -	8,194 06
York - - -	15,930 31	Alexandria - - -	29,855 83
Newburyport - - -	43,515 89	Yeocomico - - -	941 00
Ipswich - - -	(a) 1,595 19	Tappahannock - - -	29,411 67
Gloucester - - -	23,715 38	East River - - -	4,368 86
Salem - - -	391,128 69	Richmond - - -	13,501 91
Marblehead - - -	24,982 39	Petersburg - - -	13,718 79
Boston - - -	(a) 1,245,634 84	Norfolk - - -	153,875 60
Plymouth, Mass. - - -	19,640 12	Folly Landing - - -	6,335 68
Barnstable - - -	10,217 60	Cherry Stone - - -	496 19
New Bedford - - -	5,440 29	Camden - - -	16,561 59
Dighton - - -	2,669 95	Edenton - - -	6,845 87
Nantucket - - -	8,876 04	Plymouth, N. C. - - -	2,932 44
Edgartown - - -	612 28	Washington - - -	52,617 93
Bristol - - -	19,256 81	Newbern - - -	15,702 75
Providence - - -	95,240 28	Beaufort, N. C. - - -	207 25
Newport - - -	31,306 37	Wilmington, N. C. - - -	33,466 22
New London - - -	23,420 39	Georgetown, S. C. - - -	12,206 81
Middletown - - -	35,254 61	Charleston - - -	556,215 57
New Haven - - -	30,302 88	Savannah - - -	(a) 250,000 00
Fairfield - - -	2,735 15	Brunswick - - -	773 68
Allburgh, Vt. - - -	12,706 23	St. Mary's, Ga. - - -	18,927 92
Champlain - - -	5,985 25	Fort Stoddert - - -	163 87
Hudson - - -	1,014 54	New Orleans - - -	121,749 97
Sagg Harbor - - -	277 52		
New York - - -	3,364,102 60	Total - - -	\$9,600,717 55

(a) These ports are on estimate.

RECEIPTS AND PUBLIC DEBT.

[Communicated to the House of Representatives, April 17, 1810.]

TREASURY DEPARTMENT, April 16, 1810.

SIR: I have the honor, in obedience to the resolution of the House, of the 11th instant, to transmit a statement of the annual receipts into the Treasury, from the 4th day of March, 1789, to the 31st day of December, 1809; and a statement of the amount of debt annually incurred and reimbursed during the same period.

I have the honor to be, &c.

ALBERT GALLATIN.

HON. SPEAKER of the House of Reps.

Receipts and Public Debt.

Statement of the annual receipts into the Treasury, from the 4th March, 1789, to 31st December, 1809.

Years.	Customs.	Internal Revenue.	Direct Tax.	Public Lands.	Miscellaneous.	Loans.	Total.
From the 4th March, 1789	\$4,399,472 99				\$10,478 10	\$361,391 34	\$4,771,342 43
to 31st December, 1791	3,443,070 85	\$208,942 81	-	-	17,946 65	5,102,498 45	8,772,458 76
1792	4,255,306 56	337,705 70	-	-	59,910 88	1,797,272 01	6,450,195 15
1793	4,801,065 28	274,089 62	-	-	356,749 97	4,007,950 78	9,439,835 65
1794	5,588,461 26	337,755 36	-	-	193,117 97	3,396,424 00	9,515,758 59
1795	6,567,987 94	475,289 60	-	\$4,836 13	1,372,215 98	320,000 00	8,740,329 65
1796	7,549,649 65	575,491 45	-	83,540 60	480,099 29	70,000 00	8,768,780 99
1797	7,106,061 93	644,357 95	-	11,963 11	216,787 81	200,000 00	8,179,170 80
1798	6,610,449 31	779,136 44	-	-	157,227 56	5,000,000 00	12,546,813 31
1799	9,080,932 73	809,396 55	\$734,223 97	443 75	223,752 10	1,565,229 24	12,413,978 34
1800	10,750,778 93	1,048,033 43	534,343 38	167,726 06	444,374 15	-	12,945,455 95
1801	12,438,235 74	621,898 89	206,565 44	188,628 02	1,540,465 86	-	14,995,793 95
1802	10,479,417 61	215,179 69	71,879 20	165,675 69	131,945 44	-	11,064,097 63
1803	11,098,565 33	50,941 29	50,198 44	487,526 79	139,075 53	-	11,826,307 38
1804	12,936,487 04	21,747 15	21,882 91	540,193 80	40,382 30	-	13,560,693 20
1805	14,667,698 17	20,101 45	55,763 86	765,245 73	51,121 86	-	15,550,931 07
1806	15,845,321 61	13,051 40	34,732 56	466,163 27	93,370 60	-	16,452,839 44
1807	16,363,550 58	8,210 73	19,159 21	647,939 06	21,802 35	-	17,060,661 93
1808	7,296,020 58	4,044 39	7,517 31	442,252 53	23,638 51	-	7,773,473 12
1809							
	\$171,278,734 09	\$6,445,373 90	\$1,736,266 28	\$3,972,134 34	\$5,574,662 91	\$21,820,765 82	\$210,827,937 34

Public Debt—American Manufactures.

Statement of the annual amount, and of the annual increase and decrease of the public debt, from 1st January, 1791, to 1st January, 1810.

Amount of Public Debt on the first day of each year.				Amount of Public Debt annually incurred and reimbursed.			
1st of Jan., in the years	Gross amount of debt.	Payments made by the Treasury on account of subsequent years.	Amount of debt unprovided for.	Payments in each year on account of principal.	Amount of debt contracted.	Annual increase of debt.	Annual decrease of debt.
1791	75,463,476 52	293,502 31	75,169,974 21	3,324,842 86	5,089,291 00	1,764,448 14	—
1792	77,227,924 66	854,157 50	76,373,767 16	2,056,208 86	5,180,918 24	3,124,709 38	—
1793	80,352,634 04	2,764,636 11	77,587,997 93	3,189,932 63	1,264,703 36	—	1,925,229 27
1794	78,427,404 77	2,431,234 21	75,996,170 56	2,420,520 74	4,740,703 36	2,320,182 62	—
1795	80,747,587 39	2,597,649 56	78,149,937 83	2,949,415 32	5,964,000 00	3,014,584 68	—
1796	83,762,172 07	2,119,899 11	81,642,272 96	2,097,692 74	400,000 00	—	1,697,692 74
1797	82,064,479 33	1,130,455 79	80,934,023 54	2,835,950 21	—	—	2,835,950 21
1798	79,228,529 12	734,363 37	78,494,165 75	1,027,324 42	207,465 07	—	819,859 35
1799	78,408,669 77	1,008,760 42	77,399,909 35	1,144,075 42	5,711,700 00	4,567,624 58	—
1800	82,976,294 35	1,342,968 61	81,633,325 74	1,419,943 55	1,481,700 00	61,756 45	—
1801	83,038,050 80	1,037,883 44	82,000,167 36	2,325,418 55	—	—	2,325,418 55
1802	80,712,632 25	1,958,063 55	78,754,568 70	3,657,945 95	—	—	3,657,945 95
1803	77,054,686 30	2,322,763 45	74,731,922 85	5,627,565 42	15,000,000 00	9,372,434 58	—
1804	86,427,120 88	1,073,477 66	85,353,643 22	4,114,970 38	—	—	4,114,970 38
1805	82,312,150 50	1,778,091 85	80,534,058 65	6,588,879 84	—	—	6,588,879 84
1806	75,723,270 66	1,180,813 04	74,542,957 62	6,504,872 02	—	—	6,504,872 02
1807	69,218,398 64	1,486,753 02	67,731,645 62	4,022,080 67	—	—	4,022,080 67
1808	65,196,317 97	453,991 71	64,742,326 26	8,173,125 88	—	—	8,173,125 88
1809	57,023,193 09	290,812 28	56,732,379 81	3,850,889 77	—	—	3,850,889 77
1810	53,172,302 32	15,769 68	53,156,532 64	—	—	—	—

RECAPITULATION.

Debt on 1st January, 1791 -	-	-	-	-	-	-	\$75,463,476 52
Debt contracted from 1st January, 1791, to 1st January, 1801 -	-	-	-	-	-	\$30,040,481 03	
Deduct debt reimbursed during the same period -	-	-	-	-	-	22,465,906 75	
Increase of debt in those ten years -	-	-	-	-	-	-	7,574,574 28
Debt on 1st January, 1801 -	-	-	-	-	-	-	83,038,050 80
Debt reimbursed from 1st January, 1801, to 1st January, 1810 -	-	-	-	-	-	44,865,748 48	
Deduct debt contracted during the same period -	-	-	-	-	-	15,000,000 00	
Decrease of debt in those nine years -	-	-	-	-	-	-	29,865,748 48
Debt on 1st January, 1810 -	-	-	-	-	-	-	53,172,302 32
But as this sum of \$53,172,302 32 includes the Louisiana stock -	-	-	-	-	-	-	11,250,000 00
The old debt remaining due on the 1st January, 1810, is only -	-	-	-	-	-	-	41,922,302 32
And the old debt redeemed during the last nine years amounts to -	-	-	-	-	-	-	41,115,748 48
Debt on 1st January, 1801 -	-	-	-	-	-	-	83,038,050 80

AMERICAN MANUFACTURES.

[Communicated to the House of Representatives, April 19, 1810.]

TREASURY DEPARTMENT, April 17, 1810.

SIR: In obedience to the resolution of the House, I have the honor to transmit a report, in part, on the subject of American manufactures. Some important information has been obtained,

American Manufactures.

but it is, in general, partial and defective; and it would have been desirable that the report might have been delayed till the next session.

Permit me to observe, that the approaching census might afford an opportunity to obtain detailed and correct information on that subject, provided that the deputy marshals were directed by Congress to collect it, and to make returns in such form as would be prescribed.

I have the honor to be, &c.

ALBERT GALLATIN.

The Hon. the SPEAKER of the H. of R.

The Secretary of the Treasury, in obedience to the resolution of the House of Representatives, respectfully submits the following report, in part, on the subject of domestic manufactures:

The following manufactures are carried on to an extent which may be considered adequate to the consumption of the United States, the foreign articles annually imported being less in value than those of American manufacture belonging to the same general class, which are annually exported, viz:

Manufactures of wood, or of which wood is the principal material; leather, and manufactures of leather; soap, and tallow candles; spermaceti oil and candles; flaxseed oil; refined sugar; coarse earthen ware; snuff, chocolate, hair powder, and mustard.

The following branches are firmly established, supplying, in several instances, the greater, and, in all a considerable, part of the consumption of the United States, viz:

Iron, and manufactures of iron; manufactures of cotton, wool, and flax; hats; paper, printing types, printed books, and playing cards; spirituous and malt liquors; several manufactures of hemp; gunpowder; window glass; jewelry and clocks; several manufactures of lead; straw bonnets and hats; wax candles.

Progress has also been made in the following branches, viz:

Paints and colors; several chemical preparations and medicinal drugs; salt; manufactures of copper and brass; jappanned and plated ware; calico printing; queens, and other earthen and glass wares, &c.

Many articles, respecting which no information has been received, are undoubtedly omitted; and the substance of the information obtained, on the most important branches, is comprehended under the following heads:

Wood, and Manufactures of Wood.—All the branches of this manufacture are carried to a high degree of perfection, supply the whole demand of the United States, and consist principally of cabinet ware, and other household furniture, coaches and carriages, either for pleasure or transportation, and ship building.

The ships and vessels, above twenty tons burden, built in the United States during the years 1801 to 1867, measured 774,922 tons, making, on an average, about 110,000 tons a year, and worth more than six millions of dollars. About two-

thirds were registered for the foreign trade, and the remainder licensed for the coasting trade and fisheries.

Of the other branches, no particular account can be given. But the annual exportations of furniture and carriages amount to \$170,000. The value of the whole, including ship building, cannot be less than twenty millions of dollars a year. Under this head may also be mentioned pot and pearl ash, of which, besides supplying the internal demand, 7,400 tons are annually exported.

Leather and Manufactures of Leather.—Tanneries are established in every part of the United States, some of them on a very large scale—the capital employed in one single establishment amounting to one hundred thousand dollars. A few hides are exported, and it is stated that one-third of those used in the great tanneries of the Atlantic States are imported from Spanish America. Some superior or particular kinds of English leather and morocco are still imported; but about 350,000 pounds* of American leather are annually exported. The bark is abundant and cheap, and it seems, by the annexed communication, marked A, that hides cost, in America, 5½ cents, and in England, seven cents a pound; that the bark used for tanning costs, in England, nearly as much as the hides, and in America not one-tenth part of that sum. It is, at the same time, acknowledged, that much American leather is brought to market of an inferior quality, and that better is generally made in the middle than in the Northern or Southern States. The tanneries of the State of Delaware employ, collectively, a capital of one hundred and twenty thousand dollars, and ninety workmen, and make, annually, one hundred thousand dollars worth of leather. Those of Baltimore amount to twenty-two, seventeen of which have, together, a capital of \$187,000, and tan, annually, 19,000 hides, and 25,000 calf skins.

Morocco is also made in several places, partly from imported goat skins, and principally from sheep skins. And it may be proper here to add, that deer skins, which form an article of exportation, are dressed and manufactured in the United States, to the amount required for the consumption of the country.

The principal manufactures of leather are those of shoes and boots, harness and saddles. Some inconsiderable quantities of the two last articles are both imported and exported. The annual importation of foreign boots and shoes, amounts to 3,250 pair boots and 59,000 pair of shoes, principally kid and morocco. The annual exportation of the same articles, of American manufacture, to 8,500 pair of boots, and 127,000 pair of shoes. The shoe manufactures of New Jersey are extensive. That of Lynn, in Massachusetts, makes 100,000 pair of women's shoes annually.

The value of all the articles annually manu-

*Unless otherwise stated, the importations and exportations are, in this report, taken on the average of the years 1806 and 1807.

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factured in the United States, which are embraced under this head, (leather,) may be estimated at twenty millions of dollars.

Soap, and Tallow Candles.—A great portion of the soap and candles used in the United States is a family manufacture. But there are also several establishments, on an extensive scale, in all the large cities, and several other places. Those of the village of Roxbury, near Boston, employ, alone, a capital of one hundred thousand-dollars, and make, annually, 370,000 pounds candles, and 380,000 pounds brown soap, and 50,000 pounds Windsor and fancy soap, with a profit, it is said, of 15 per centum on the capital employed.

The annual importations of foreign manufacture are, candles, 158,000 pounds; soap, 470,000 pounds.

The annual exportations of domestic manufacture are, candles, 1,775,000 pounds; soap, 2,220,000 pounds.

The annual value manufactured in the United States, and including the quantity made in private families, for their own use, cannot be estimated at less than eight millions of dollars.

Spermaceiti Oil and Candles.—The establishments for this manufacture are at Nantucket and New Bedford, in Massachusetts, and at Hudson, in New York. Besides supplying the whole of the domestic consumption, they furnished, annually, for exportation to foreign countries, 230,000 pounds of candles, and 44,000 gallons of oil. The whole quantity, annually manufactured, amounted to about \$300,000. But the exclusion from foreign markets has lately affected the manufacture.

Refined Sugar.—The annual importations of foreign refined sugar amount, for the years 1803 to 1807, to 47,000 pounds.

The annual exportation of American refined sugar, amount, for the same years, to 150,000 pounds.

The then existing duty was, in the year 1801, collected on 3,827,000 pounds; and, as the manufacture has kept pace with the increase of population, the quantity now annually made may be estimated at five millions of pounds, worth one million of dollars. The capital employed is stated at three millions and a half of dollars: and as the establishments have increased in number, some of them have declined in business. It is believed that, if a drawback equivalent to the duty paid on the importation of the brown sugar used in the refined sugar exported, was again allowed, the foreign demand, particularly of Russia, would give a greater extension to this branch. A special report has been made on that subject to the Committee of Commerce and Manufactures.

COTTON, WOOL, AND FLAX.

I. Spinning Mills and Manufacturing Establishments.—The first cotton mill was erected in the State of Rhode Island, in the year 1791; another, in the same State, in the year 1795; and two more, in the States of Massachusetts, in the years 1803 and 1804. During the three succeeding years, ten more were erected or commenced, in Rhode Island, and one in Connecticut; ma-

king, altogether, fifteen mills erected before the year 1808, working, at that time, about eight thousand spindles, and producing about three hundred thousand pounds of yarn a year.

Returns have been received of eighty-seven mills, which were erected at the end of the year 1809; sixty-two of which (forty-eight water, and fourteen horse, mills) were in operation, and worked, at that time, thirty-one thousand spindles. The other twenty-five will all be in operation in the course of this year, and, together with the former ones, (almost all of which are increasing their machinery) will, by the estimate received, work more than eighty thousand spindles at the commencement of the year 1811.

The capital required to carry on the manufacture, on the best terms, is estimated at the rate of one hundred dollars for each spindle; including both the fixed capital applied to the purchase of the mill-seats, and to the construction of the mills and machinery, and that employed in wages, repairs, raw materials, goods on hand, and contingencies. But it is believed that no more than at the rate of sixty dollars for each spindle is generally actually employed. Forty-five pounds of cotton, worth about twenty cents a pound, are, on an average, annually used for each spindle; and these produce about thirty-six pounds of yarn, of different qualities, worth, on an average, one dollar and twelve and a half cents a pound. Eight hundred spindles employ forty persons, viz: five men and thirty-five women and children. On those data, the general results for the year 1811, are estimated as follows:

Number of mills, 87; number of spindles, 80,000; amount of capital employed, \$4,800,000. Cotton used, 3,600,000; value, \$720,000. Yarn spun, 2,880,000 pounds; value, \$3,240,000. Persons employed—men, 500; women and children, 3,500. Total employed, 4,000.

The increase of carding and spinning of cotton by machinery, in establishments for that purpose, and exclusively of that done in private families, has, heretofore, been fourfold, during the two last years, and will have been tenfold in three years. The table B shows the situation and extent of those several mills, and that, although the greater number is in the vicinity of Providence, in Rhode Island, they are scattered and extending throughout all the States. Those situated within thirty miles of Providence, are exhibited in table C, and the statement marked D gives the details of one of the establishments, as furnished by one of the proprietors.

The seventeen mills in the State of Rhode Island, included in the table C, which were in operation, and worked 14,290 spindles in the year 1809, are also stated to have used, during that year, 640,000 pounds of cotton, which produced 510,000 pounds of yarn; of which, 124,000 pounds were sold for thread and knitting; 200,000 pounds were used in manufactures attached to, or in the vicinity of, these mills; and the residue was either sold for wick, and for the use of family manufactures, or exported to other parts. Eleven hundred looms are said to be employed in weav-

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ing the yarn spun by these mills into goods, principally of the following descriptions, viz :

Bed ticking, sold at 55 to 90 cents per yard.

Stripes and checks, sold at 30 to 40 cents per yard.

Ginghams, sold at 40 to 50 cents per yard.

Cloth, for shirts and sheeting, sold at 35 to 75 cents per yard.

Counterpanes, at eight dollars each.

Those several goods are already equal, in appearance, to the English imported articles of the same description, and superior in durability; and the finishing is still improving. The proportion of fine yarns is also increasing.

The same articles are manufactured in several other places, and particularly at Philadelphia, where are also made, from the same material, webbing and coach laces, (which articles have also excluded, or will soon exclude, similar foreign importations,) table and other diaper cloth, jeans, vest patterns, cotton kerseymeres and blankets. The manufacture of fustians, cords, and velvet, has also been commenced in the interior and western parts of Pennsylvania, and in Kentucky.

Some of the mills, above mentioned, are also employed in carding and spinning wool, though not to a considerable amount. But almost the whole of that material is spun and wove in private families; and there are yet but few establishments for the manufacture of woollen cloths. Some information has, however, been received, respecting fourteen of these, as stated in table E, manufacturing, each, on an average, ten thousand yards of cloth a year, worth from one to ten dollars a yard. It is believed that there are others, from which no information has been obtained; and it is known that several establishments, on a smaller scale, exist in Philadelphia, Baltimore, and some other places. All those cloths, as well as those manufactured in private families, are generally superior in quality, though somewhat inferior in appearance, to imported cloths of the same price. The principal obstacle to the extension of the manufacture is the want of wool, which is still deficient, both in quality and quantity. But these defects are daily and rapidly lessened, by the introduction of sheep of the merino and other superior breeds; by the great demand for the article; and by the attention now everywhere paid by farmers to the increase and improvement of their flocks.

Manufacturing establishments, for spinning and weaving flax, are yet but few. In the State of New York, there is one, which employs a capital of \$18,000, and twenty-six persons, and in which about ninety thousand pounds of flax are annually spun and wove, into canvass and other coarse linen. Information has been received respecting two, in the vicinity of Philadelphia, one of which produces, annually, 72,000 yards of canvass, made of flax and cotton; in the other, the flax is both hackled and spun by machinery; thirty looms are employed; and it is said that 500,000 yards of cotton bagging, sail cloth, and coarse linen, may be made annually.

Hosiery may also be considered as almost ex-

clusively a household manufacture. That of Germantown has declined, and it does not appear to have been attempted on a large scale in other places. There are, however, some exceptions; and it is stated that the island of Martha's Vineyard exports, annually, nine thousand pair of stockings.

II. Household Manufactures.—But by far the greater part of the goods made of those materials, (cotton, flax, and wool,) are manufactured in private families, mostly for their own use, and partly for sale. They consist principally of coarse cloth, flannel, cotton stuffs, and stripes of every description, linen, and mixtures of wool with flax or cotton. The information received from every State, and from more than sixty different places, concurs in establishing the fact of an extraordinary increase, during the last two years, and in rendering it probable that about two-thirds of the clothing, including hosiery, and of the house and table linen, worn and used by the inhabitants of the United States, who do not reside in cities, is the product of family manufactures.

In the Eastern and Middle States, carding machines, worked by water, are everywhere established, and they are rapidly extending southwardly and westwardly. Jennies, other family spinning machines, and flying shuttles, are also introduced in many places; and as many fulling mills are erected as are required for finishing all the cloth which is wove in private families. (See note F and statement G.)

Difficult as it is to form an estimate, it is inferred, from a comparison of all the facts which have been communicated, with the population of the United States, (estimated at six millions of white and twelve hundred thousand black persons) that the value of all the goods made of cotton, wool, and flax, which are annually manufactured in the United States, exceeds forty millions of dollars.

The manufacture of cards and wire is intimately connected with this part of the subject. Whittemore's machine for making cards has completely excluded foreign importations of that article. It will appear, by the communication H, that the capital employed in that branch may be estimated at \$200,000; and that the annual consumption amounted, till lately, to twenty thousand dozen pair of hand cards, and twenty thousand square feet of cards for machines, worth together about \$200,000. The demand of last year was double that of 1808, and is still rapidly increasing. But the wire itself is altogether imported, and a very serious inconvenience might arise from any regulation which would check or prevent the exportation from foreign countries. It appears, however, by the communication I, that the manufacture may, and would be, immediately established, so as to supply the demand both for cards and other objects, provided the same duty was imposed on wire, now imported duty free, which is laid on other articles made of the same material. The whole amount of wire, annually used for cards, does not at present exceed twenty-five tons, worth about \$40,000.

American Manufactures.

Hats.—The annual importations of foreign hats amount to \$350,000; the annual exportation of American hats to \$100,000.

The domestic manufacture is, therefore, nearly equal to the home consumption. The number made in the State of Massachusetts is estimated, by the hat company of Boston, at four times the number required for the consumption of the State; and from other information it would appear, that, in that State alone, the capital applied to that branch is near three millions of dollars, the number of persons employed about four thousand, and the number of hats annually made 1,550,000; of which, 1,150,000 are fine hats, worth, on an average, four dollars each, and 400,000 felt hats, worth one dollar each. That the manufacture is still profitable, appears from a late establishment on Charles river, calculated to make, annually, 35,000 hats, at five dollars a piece, and to employ 150 workmen.

The quantity made in Rhode Island, is stated at 50,000 thousand, worth five dollars each, exclusively of felt hats. Connecticut and New York made more than is necessary for their consumption; the largest establishment being that of Danbury, where 200 persons are employed, and to the amount of \$130,000 annually manufactured. In Vermont, the manufacture supplies the consumption. It is stated by the hatters of Philadelphia, that 92,000 hats, worth five dollars each, are annually made there, in addition to which, 50,000 country hats, worth three dollars each, are annually sold in the city. In various quarters, the scarcity of wool is complained of, as preventing the making of a sufficient quantity of coarse hats. From all the information which has been received, it is believed that the value of all the hats, annually made in the United States, is near ten millions of dollars. (See note K.)

Paper and Printing.—Some foreign paper is still imported, but the greater part of the consumption is of American manufacture; and it is believed that, if sufficient attention was everywhere paid to the preservation of rags, a quantity equal to the demand would be made in the United States. Paper mills are erected in every part of the Union. There are twenty-one in the States of New Hampshire, Vermont, Rhode Island, and Delaware, alone, and ten in only five counties of the States of New York and Maryland. Eleven of those mills employ a capital of two hundred thousand dollars, and 180 workmen, and make, annually, \$150,000 worth of paper.

Printing is carried on to an extent commensurate with the demand. Exclusively of the numerous newspapers, which alone form a considerable item in value, all the books for which there is an adequate number of purchasers, are printed in the United States. But sufficient data have not been obtained to form an estimate of the annual aggregate value of the paper made, and of the printing and book binding executed in the United States, other than what may be inferred from the population. The manufactures of hanging paper, and of playing cards, are also extensive; and that of printing types, of which there

are two establishments, the principal at Philadelphia, and another at Baltimore, was fully adequate to the demand, but has lately been affected by the want of regulus of antimony.

Manufactures of Hemp.—The annual importations of foreign hemp, amounted to 6,200 tons. But the interruption of commerce has greatly promoted the cultivation of that article in Massachusetts, New York, Kentucky, and several other places; and it is believed that a sufficient quantity will, in a short time, be produced in the United States.

The manufacture of ropes, cables, and cordage, of every description, may be considered as equal to the demand, the exportations of American manufacture, for 1806 and 1807, having exceeded the average of 6,500 quintals, and the importations from foreign ports, having fallen short of 4,200 ditto.

Exclusive of the rope-walks in all the seaports, there are fifteen in Kentucky alone, which consume about one thousand tons of hemp a year; and six new works were in a state of preparation for the present year.

The manufactures of sail duck, formerly established in Rhode Island, in Connecticut, and at Salem, have been abandoned or suspended, partly on account of the high price of hemp, and partly for want of capital. Some is still made; and the species of canvass, commonly called cotton bagging, is now manufactured, in various places, on an extensive scale. An establishment at Philadelphia, employs eight looms, and can make, annually, 17,000 yards of duck, or 45,000 yards of cotton bagging. There are thirteen manufactures in Kentucky, and two in West Tennessee. The five at or near Lexington, make annually 250,000 yards of duck and cotton bagging.

Spirituous and Malt Liquors.—The duty on licensed stills, amounted, in 1801, to \$372,000, and, on account of omissions, might be estimated at \$450,000. As the duty actually paid on the spirits distilled in those stills, did not, on an average, exceed five cents per gallon, the quantity of spirits distilled during that year, from grain and fruit, (exclusively of the large gin distilleries in cities,) must have amounted to about 9,000,000 of gallons and may, at present, the manufacturing having increased, at least in the same ratio as the population, be estimated at twelve millions of gallons. To this must be added about three millions of gallons of gin and rum, distilled in cities; making an aggregate of fifteen millions of gallons.

The importations of foreign spirits, are, nevertheless, very considerable, having amounted, during the years 1806 and 1807, to 9,750,000 gallons a year, and yielding a net annual revenue to the United States, of \$2,865,000.

The quantity of malt liquors made in the United States is nearly equal to their consumption. The annual foreign importations amount only to 185,000 gallons, and the annual exportations of American beer and cider to 187,000 gallons. But the amount actually made, cannot be correctly stated. It has been said, that the breweries of Philadelphia consumed, annually, 150,000 bushels of malt; and, exclusively of the numerous estab-

American Manufactures.

ishments on a smaller scale, dispersed throughout the country, extensive breweries are known to exist in New York and Baltimore.

From these data, the aggregate value of spirituous and malt liquors, annually made in the United States, cannot be estimated at less than ten millions of dollars.

Iron, and Manufactures of Iron.—The information received respecting that important branch is very imperfect. It is, however, well known, that iron ore abounds, and that numerous furnaces and forges are erected, throughout the United States. They supply a sufficient quantity of hollow ware, and of castings, of every description; but about 4,500 tons of bar iron are annually imported from Russia, and probably, an equal quantity from Sweden and England together. A vague estimate states the amount of bar iron annually used in the United States, at fifty thousand tons, which would leave about forty thousand for that of American manufacture. Although a great proportion of the ore found in Vermont, Pennsylvania, Maryland, and Virginia, be of a superior quality, and some of the iron manufactured there equal to any imported, it is to be regretted, that, from the demand, and from want of proper attention in the manufacture, much inferior American iron is brought to market. On that account, the want of the ordinary supply of Russian iron has been felt in some of the slitting and rolling mills. But, whilst a reduction of the duty on Russian iron is asked from several quarters, it is generally stated that a high or prohibitory duty on English bar, slit, rolled, and sheet iron, would be beneficial; that which is usually imported on account of its cheapness, being made with pit coal, and of a very inferior quality.

The annual importations of sheet, slit, and hoop iron, amount to five hundred and sixty-five tons; and the quantity rolled and slit in the United States, is estimated at seven thousand tons. In the State of Massachusetts alone, are found thirteen rolling and slitting mills, in which about 3,500 tons of bar iron, principally from Russia, are annually rolled or slit. A portion is used for sheet iron and nail rods for wrought nails; but two-thirds of the whole quantity of bar iron flattened by machinery in the United States, is used in the manufacture of cut nails, which has now extended throughout the whole country, and, being altogether an American invention, substituting machinery to manual labor, deserves particular notice. The details on that subject will be found in the communications L and M; and it will be sufficient here to state, that the annual product of that branch alone, may be estimated at twelve hundred thousand dollars, and that, exclusively of the saving of fuel, the expense of manufacturing cut nails, is not one-third part of that of forging wrought nails. About two hundred and eighty tons are already annually exported, but the United States continue to import, annually, more than fifteen hundred tons of wrought nails and spikes. An increase of duty on these, and a drawback on the exportation of the cut nails, is generally asked for.

A considerable quantity of blistered, and some refined steel, are made in America; but the foreign importations exceed 11,000 cwt. a year.

The manufactures of iron consist principally of agricultural implements, and of all the usual work performed by common blacksmiths. To these may be added anchors, shovels, and spades, axes, scythes, and other edge tools, saws, bits, and stirrups, and a great variety of the coarser articles of ironmongery; but cutlery, and all the finer species of hardware, and of steel work, are almost altogether imported from Great Britain. Balls, shells, and cannon, of small caliber, are cast in several places; and three foundries for casting solid, those of the largest caliber, together with the proper machinery for boring and finishing them, are established in Cecil county, Maryland, near the City of Washington, and at Richmond, in Virginia; each of the two last may cast 300 pieces of artillery a year, and a great number of iron and brass cannon are made at that near the seat of Government. Those of Philadelphia and near the Hudson river, are not now employed. It may here be added, that there are several iron foundries for casting every species of work wanted for machinery, and that steam engines are made at that of Philadelphia.

At the two public armories of Springfield and Harper's Ferry, 19,000 muskets are annually made. About 20,000 more are made at several factories, of which the most perfect is said to be that near New Haven, and which, with the exception of that erected at Richmond by the State of Virginia, are all private establishments. These may, if wanted, be immediately enlarged; and do not include a number of gunsmiths employed in making rifles, and several other species of arms. Swords and pistols are also manufactured in several places.

Although it is not practicable to make a correct statement of the value of all the iron and manufactures of iron, annually made in the United States, it is believed to be from twelve to fifteen millions of dollars. The annual importations from all foreign countries, including bar iron, and every description of manufactures of iron or steel, are estimated at nearly four millions of dollars.

Copper and Brass.—Rich copper mines are found in New Jersey, in Virginia, and near Lake Superior; but they are not now wrought. The principal manufactures of that material, are those of stills and other vessels; but the copper in sheets and bolts is almost universally imported, the only manufacture for that object, which is at Boston, not receiving sufficient encouragement, although a capital of \$25,000 has been invested in a rolling mill and other apparatus. The true reason is, that those articles are imported free of duty; and the owners seem to be principally employed in casting bells and other articles.

Zinc has lately been discovered in Pennsylvania; and there are a few manufactures of metal buttons, and various brass wares.

Manufactures of Lead.—Lead is found in Virginia and some other places, but the richest mines of that metal are found in Upper Louisiana, and

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also, it is said, in the adjacent country, on the east side of the Mississippi. They are not yet wrought to the extent of which they are susceptible, and, after supplying the Western country, do not furnish more than two hundred tons annually to the Atlantic States.

The annual importations from foreign countries of red and white lead, amount to 1,150 tons.

And those of lead itself, and of all other manufactures of lead, to 1,225 tons.

The principal American manufactures are those of shot, and colors of lead. Of the first, there are two establishments on a large scale at Philadelphia, and another in Louisiana, which are more than sufficient to supply the whole demand, stated at six hundred tons a year. Five hundred and sixty tons of red and white lead, litharge, and some other preparations of that metal, are made in Philadelphia alone. A repeal of the duty of one cent per pound on lead, and an equalization of that on the manufactures of lead, by charging them all with the two cents per pound laid on white and red lead, is asked by the manufacturers.

Various other paints and colors are also prepared in Philadelphia, and some other places.

Tin, japanned, plated Wares.—The manufacture of tin ware is very extensive, and Connecticut supplies the greater part of the United States with that article; but the sheets are always imported. The manufacture of plated ware, principally for coach-makers and saddlers, employs at Philadelphia 73 workmen; and the amount annually made there, exceeds one hundred thousand dollars. There are other similar establishments at New York, Baltimore, Boston, and Charleston.

Gunpowder.—Saltpetre is found in Virginia, Kentucky, and some other of the Western States and Territories; but it is principally imported from the East Indies. The manufacture of gunpowder is nearly, and may, at any moment, be made altogether adequate to the consumption; the importation of foreign powder amounting only to 200,000 pounds, and the exportation of American powder to 100,000 pounds. The manufacture of Brandywine, which employs a capital of \$76,000 and thirty-six workmen, and is considered as the most perfect, makes alone 226,000 lbs. annually, and might make 600,000 lbs. if there was a demand for it. Two others, near Baltimore, have a capital of \$100,000, and make 450,000 lbs. of a quality said lately to be equal to any imported. There are several other powder mills in Pennsylvania and other places; but the total amount of gunpowder made in the United States, is not ascertained.

Earthen and Glass Ware.—A sufficient quantity of the coarser species of pottery is made everywhere; and information has been received of four manufactures of a finer kind lately established. One at Philadelphia, with a capital of \$11,000, manufactures a species similar to that made in Staffordshire, in England, and the others, in Chester county, in Pennsylvania, in New Jersey, and on the Ohio, make various kinds of Queensware.

Information has been obtained of ten glass manufactures, which employ about one hundred and forty glass blowers, and make annually twenty-seven thousand boxes of window glass, containing each, one hundred square feet of glass. That of Boston makes Crown glass equal to any imported: all the other make green or German glass, worth fifteen per cent. less; that of Pittsburgh, uses coal, and all the others, wood for fuel.

The annual importations of foreign window glass, amount to 27,000 boxes; the extension of the domestic manufacture, which supplies precisely one-half of the consumption, being prevented by the want of workmen.

Some of those manufactures, make also green bottles and other wares; and two works, employing together six glass blowers, have been lately erected at Pittsburgh, and make decanters, tumblers, and every other description of flint glass of a superior quality.

Chemical Preparations.—Copperas is extracted, in large quantities, from pyrites in Vermont, New Jersey, and Tennessee. About 200,000 lbs. of oil of vitriol and other acids, are annually manufactured in a single establishment at Philadelphia. Various other preparations and drugs, are also made there, and in some other places; and the annual amount exported, exceeds \$30,000 in value.

Salt.—The salt springs of Onondaga and Cayuga, in the State of New York, furnish about 300,000 bushels a year; and the quantity may be increased in proportion to the demand. Those of the Western States and Territories, supply about an equal quantity; that known by the name of the Wabash Saline, which belongs to the United States, making now 130,000 bushels. Valuable discoveries have also lately been made on the banks of the Kenhawa. But the annual importation of foreign salt amounts to more than three millions of bushels, and cannot be superseded by American salt, unless it be made along the seacoast. The works in the State of Massachusetts are declining, and cannot proceed, unless the duty on foreign salt should again be laid. It is necessary to shelter the works from the heavy summer rains by light roofs moving on rollers. This considerably increases the expense; and it appears that the erection of ten thousand superficial square feet, costs one thousand dollars, and that they produce only two hundred bushels a year. A more favorable result is anticipated on the coast of North Carolina, on account of the difference in the climate; and works covering 275,000 square feet have been lately erected there.

Miscellaneous.—Respecting the other manufactures enumerated in the other part of this report, no important or correct information has been received; except as relates to the two following:

Straw bonnets and hats are made with great success; and a small district in Rhode Island and Massachusetts, annually exports to other parts of the Union, to the amount of \$250,000. See communication N.

Several attempts have been made to print cal-

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icoes; but it does not seem that the manufacturers can, without additional duties, stand the competition of similar foreign articles. The difficulties under which they labor are stated in the petition of the calico printers of Philadelphia to Congress. A considerable capital has been vested in an establishment near Baltimore, which can print 12,000 yards a week, and might be considerably extended, if the profits and the demand afforded sufficient encouragement.

From this imperfect sketch of American manufactures, it may, with certainty, be inferred, that their annual product exceeds one hundred and twenty millions of dollars. And it is not improbable that the raw materials used, and the provisions and other articles consumed, by the manufacturers, create a home market for agricultural products not very inferior to that which arises from foreign demand. A result more favorable than might have been expected from a view of the natural causes which impede the introduction, and retard the progress of manufactures in the United States.

The most prominent of those causes are the abundance of land compared with the population, the high price of labor, and the want of a sufficient capital. The superior attractions of agricultural pursuits, the great extension of American commerce during the late European wars, and the continuance of habits after the causes which produced them have ceased to exist, may also be enumerated. Several of those obstacles have, however, been removed or lessened. The cheapness of provisions had always, to a certain extent, counterbalanced the high price of manual labor; and this is now, in many important branches, nearly superseded by the introduction of machinery; a great American capital has been acquired during the last twenty years; and the injurious violations of the neutral commerce of the United States, by forcing industry and capital into other channels, have broken inveterate habits, and given a general impulse, to which must be ascribed the great increase of manufactures during the two last years.

The revenue of the United States, being principally derived from duties on the importation of foreign merchandise, these have also operated as a premium in favor of American manufactures, while, on the other hand, the continuance of peace, and the frugality of Government, have rendered unnecessary any oppressive taxes, tending materially to enhance the price of labor, or impeding any species of industry.

No cause, indeed, has, perhaps, more promoted, in every respect, the general prosperity of the United States, than the absence of those systems of internal restrictions and monopoly which continue to disfigure the state of society in other countries. No law exists here, directly or indirectly, confining man to a particular occupation or place, or excluding any citizen from any branch, he may, at any time, think proper to pursue. Industry is, in every respect, perfectly free and unfettered; every species of trade, commerce, art, profession, and manufacture, being equally

opened to all, without requiring any previous regular apprenticeship, admission, or license. Hence the progress of America has not been confined to the improvement of her agriculture, and to the rapid formation of new settlements and States in the wilderness; but her citizens have extended their commerce through every part of the globe, and carry on with complete success, even those branches for which a monopoly had heretofore been considered essentially necessary.

The same principle has also accelerated the introduction and progress of manufactures, and must ultimately give in that branch, as in all others, a decided superiority to the citizens of the United States over the inhabitants of countries oppressed by taxes, restrictions, and monopolies. It is believed that, even at this time, the only powerful obstacle against which American manufactures have to struggle, arises from the vastly superior capital of the first manufacturing nation of Europe, which enables her merchants to give very long credits, to sell on small profits, and to make occasional sacrifices.

The information which has been obtained is not sufficient to submit, in conformity with the resolution of the House, the plan best calculated to protect and promote American manufactures. The most obvious means are bounties, increased duties on importation, and loans by Government.

Occasional premiums might be beneficial; but a general system of bounties is more applicable to articles exported than to those manufactured for home consumption.

The present system of duties may, in some respects, be equalized and improved, so as to protect some species of manufactures without affecting the revenue. But prohibitory duties are liable to the treble objection of destroying competition, of taxing the consumer, and of diverting capital and industry into channels generally less profitable to the nation than those which would have naturally been pursued by individual interest left to itself. A moderate increase will be less dangerous, and, if adopted, should be continued during a certain period; for the repeal of a duty once laid, materially injures those who have relied on its permanency, as has been exemplified in the salt manufacture.

Since, however, the comparative want of capital, is the principal obstacle to the introduction and advancement of manufactures in America, it seems that the most efficient, and most obvious remedy would consist in supplying that capital. For, although the extension of banks may give some assistance in that respect, their operation is limited to a few places, nor does it comport with the nature of those institutions to lend for periods as long as are requisite for the establishment of manufactures. The United States might create a circulating stock, bearing a low rate of interest, and lend it at par to manufacturers, on principles somewhat similar to that formerly adopted by the States of New York and Pennsylvania in their loan offices. It is believed that a plan might be devised by which five millions a year, but not exceeding, in the whole, twenty millions, might

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be thus lent, without any material risk of ultimate loss, and without taxing or injuring any other part of the community.

All which is respectfully submitted.

ALBERT GALLATIN.

TREASURY DEPARTMENT, April 17, 1810.

A.—Extract of a letter from Wm. Edwards, of Northampton, to the Postmaster at that place, dated November 29, 1809.

Having been regularly bred to the business of tanning, and this having been my sole occupation for twenty-five years, I have been led to reflect, with much regret, upon the general inferiority of American leather, compared with most European, and particularly English manufactured. A want of capital has been the great cause of the depressed state of this manufacture. The hide, in its natural state, is a mass of fibres; the interstices between the fibres is filled with a fleshy substance; to expel these without injuring the fibres, and then to fill the vacuum completely and entirely with what the chemists call tannin, contained in bark, is the whole art of tanning. To do this effectually, years of time is necessary, and repeated applications of fresh bark to the hide at proper periods. The establishment which I have made in this county will receive sixteen thousand full grown hides, and require a capital of one hundred thousand dollars. We have three tanneries, for the convenience of collecting bark, rather than do all our business at one place, which would necessarily soon produce a scarcity of bark, we use such a quantity—say one cord to six hides; we have six hundred and seventy-two vats, three bark mills, which grind our bark by water, between two stones, as corn is ground. We have the same number of hide mills, which go by water, for softening foreign hides, taking off the hair, and working the hides. Also, three rolling machines, which also go by water. These produce a very advantageous effect, in perfectly extending and consolidating the sole leather after it is tanned, and supersedes the necessity of the shoemaker's hammering the leather; saves entirely the labor and waste attending that part of the shoemaker's business, and gives the leather a closeness of texture by far beyond hammering or any other plan now practised. Also, I have found much advantage by applying heat, by means of a copper cylinder, adapted to the purpose, passing through vats, we call leeches, in which we make the last effort to extract the tannin from the bark, after the bark, with a decoction, has been for from thirty to ninety days applied to the hide. Most of the above methods I have originated, and from long experience find the success attending them has abundantly equalled my expectations.

Much saving of labor and bark is gained by these improvements, as must be obvious to any person who has a slight knowledge, either practical or theoretical of the business. Our forests abound with bark; our beeves afford many hides, and large quantities are imported from the Span-

ish dominions; part of which are manufactured, and part are re-exported. Slaughter hides are sometimes exported, which ought to be prohibited, if practicable. I have known, and I believe it not uncommon, that quantities of hides and bark have been exported to England, and the leather made from these hides imported and used in this country. The manufacture of leather in the Middle States is far in advance beyond either the Northern or Southern States. A heavy duty on green or slaughter hides, if constitutional, and a small duty, say one cent. per lb. on the exportation of foreign hides—a heavy impost duty on leather of every kind and in every shape, with an aid of capital, and perhaps a bounty on improvements, made public, would have a tendency to encourage the manufacture of leather. Also a law appointing inspectors of slaughter hides, to guard against the great injury they now in many places sustain by the carelessness or wantonness of the butchers in hacking and cutting them. In the city of New York, there is a loss from this source of twenty per cent. at least, without a particle of gain. Also a law appointing inspectors of leather, to prevent tanners from using an improper quantity of lime in the process, and offering their leather in market when only partially tanned, would be very useful. The tanners in Boston and its neighborhood practise this method, much to the injury of the article, and in that way to the public. The same hide, well manufactured, will assuredly be worth double to the consumer, than if poorly manufactured. Yet mankind are so much the creatures of habit, and such the nature of the business, the difference will not be readily discovered by a superficial observer. One-third of the hides tanned in the United States are imported hides. These come from the Spanish colonies almost wholly. Hides in England are uniformly higher than in this country; 4s. 6d. per stone is the least price I have seen stated; that is something more than seven cents per pound. Their bark in England costs more than their hides; that is, bark sufficient to tan a hide costs more than the hide. My slaughter hides cost me five and a half cents per pound, and my bark costs me one-thirteenth so much as the hide. Leather would be an important article of exportation, even to England, if it could be admitted there by paying no more duty than their manufactured articles pay in this country. The manufacture of leather is by no means completed when it goes from the hands of the tanner. The currier, the shoemaker, saddler, harnessmaker, and several other tradesmen fit it for various uses after the tanner has performed his operations.

[B is a statement of mills for spinning cotton, of which an account has been received.]

[C is a list of the cotton mills within thirty miles of the town of Providence, November 14, 1809.]

[D is a statement of a cotton manufactory, owned by ———, near Providence.]

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[E is a statement of manufactures of woollen cloth, of which an account has been received.]

F.—Amongst numerous other facts, the following are particularly stated:

In New Hampshire—carding machines, one for every 250 families; fulling mills, 140; cloth and flannel woven annually, 800,000 yards; cotton and flax, considerable.

In Vermont—carding machines, 135; fulling mills, 163; cloth and flannel woven annually, 1,040,000 yards; cotton and flax, 1,315,000 yards.

In Berkshire, Massachusetts—cloth and flannel woven annually, 100,000 yards; cotton and flax, considerable.

In Ontario county, New York—carding machines, 18; fulling mills, 18; cloth and flannel woven annually, 140,000 yards; cotton and flax, considerable.

In York county Maine—carding machines, 8; fulling mills, 8; cloth and flannel woven annually, 70,000 yards; cotton and flax spun and woven, 120,000 pounds.

Of the cloth and flannel thus wove, about two-thirds are cloth, generally worth more than one dollar a yard, and the remainder flannel.

In Delaware, 150,000 lbs. wool annually spun and woven in private families. Large exportations of linen from the western counties of Pennsylvania, and some from Kentucky, and several places in the Eastern and Middle States. Eighty thousand yards brought for sale, in 1809, to Pittsburgh alone; and the number of looms in that town has increased, since the year 1807, from 17 to 44. In the lower counties of Virginia, North Carolina, generally, and the upper counties of South Carolina and Georgia, almost the whole of the Summer clothing, for every description of persons, is of household manufacture; and almost all the slaves are entirely clothed in the same manner. The scarcity of wool alone prevents an adequate supply from the same source for winter clothing. The number of stores for the sale of foreign goods, has, in Matthews county, Virginia, from the year 1802, decreased from fifteen to one. At a general review of militia, last Summer, in North Carolina, where more than fifteen hundred persons were on the ground, there were not forty who were not entirely clothed with homespun.

G.—Household Manufactures in New Hampshire.

In almost every town, (of six miles square, or a district containing one or more towns,) having a population of 200 or 300 families, there is a carding machine and fulling mill. The cost of a carding machine is about \$500. One described to me, cards, annually, 6,000 pounds of wool, at seven cents per pound, attended by one hand. This mode of carding relieves the house-spinner of one-half the labor of a day, for the sum of three and a half cents.

Every farmer's house is provided with one or more wheels, according to the number of females.

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Every second house, at least, has a loom for weaving linen, cotton, and coarse woollen cloths which is almost wholly done by women.

Manufactures of these kinds amount, probably, on an average, per family, to from 100 to 600 yards in a year, without an hour's loss of labor to the field.

Considerable quantities of coarse flaxen cloth, worth from 15 to 20 cents per yard, thus manufactured in families, are sold to traders in country villages or in towns, and sent for a market to the Southern States, on which a profit is made by the trader.

A specimen of the cost and profit on the employ of a Fulling Mill, in the county of Cheshire, in dressing cloths for household manufactures.

Yearly supply of cloths, for dressing and dyeing:

Of fustian or cotton	-	-	1,000 yards.
Woollen, merely to be pressed	-	1,700	"
Woollen to be dyed, fulled, &c.	-	1,400	"
		6,700	"

The charge and sum received for dressing the above \$1,225.

The expense of labor, &c., as follows:

The proprietor states his services at	-	\$110
Two men employed four months at \$20	-	160
Two apprentices the same time	-	80
Cost of dye stuff, &c.	-	175
Other expenses	-	75

600

Leaving a balance to the mill of - 625

\$1,225

The cost of the mill and machinery is stated to be \$1,500.

The foregoing may be considered as a sample of the clothiers' mills in New Hampshire, of which there are about one hundred and forty in the State; some, probably, may do less, and others much more than the above.

The cost of manufacturing eighteen pounds of wool into twenty yards of cloth, as follows:

18 lbs. of wool (best common) at 50 cts.	\$9 00
Carding, oiling, &c., at 8 cents	- 1 44
Spinning at 14 cents	- 2 80
Weaving at 8 cents	- 1 60
Dressing colored black at 32 cents	- 6 00

\$21 24

This cloth, three-quarter yards wide, (cost per yard 106 cents,) is thick and firm, is finer than English cloths of six-quarter yards wide, sold, at retail stores, at \$3 50 per yard, and is twice as durable.

H.—Extract of a letter from William Whittemore, of West Cambridge, to the Collector of Boston, dated 24th November, 1809.

The machinery with which we now manufacture all kinds of wool and cotton cards that have been called for, were invented by Amos Whitte-

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more, in the year 1797; he then obtained the exclusive privilege of using said machines, by letters patent, for fourteen years. Amos Whittemore and myself were jointly concerned in the first machines that were built, and are still the sole proprietors of the patent. Congress, at their last Winter session, extended the patent fourteen years, by a special act. We have fifty-five of those patent machines, thirty-seven of which are now in use; these machines, with the other apparatus necessary to carry on the business to its present extent, have cost us about forty thousand dollars. We have now employed, in the factory, upwards of forty hands; we manufacture, weekly, one hundred and eighty dozen pair of hand cards, and two hundred square feet of cards for the woollen and cotton factories, which, together, amount to about two thousand dollars. Had it been in our power, the past year, to have supplied ourselves with card wire, the amount of the cards manufactured in our factory would have exceeded three thousand dollars per week; for we should have had all our machines in use. The building, in which we now carry on the business, has cost us ten thousand dollars; fifty thousand dollars, at least, is necessary for a capital to carry on the business to the extent, exclusive of buildings and machinery. We have been obliged to make great sacrifices to obtain money to enable us to carry on the business, so as to be able to answer the demand for cards; our moneyed institutions have afforded but little support to domestic manufactures. The wire is the only article necessary to the manufacture of cards, but what our own country produces, and that might be manufactured here as good, and nearly as cheap, as in England. We have so far satisfied ourselves (by experiment) that nothing, but want of capital, has prevented us from setting up that business. The iron made on Lake Champlain is found to be as good for wire, if not superior, to any ever imported. The wire, to supply our factory one year, will, in England, cost about fifteen thousand dollars, and the expenses of importing about ten per cent., (it being free of duty;) perhaps about the same quantity is used, annually, in the other card manufactories in the United States. There is no doubt in my mind, from the observations made since I have been in the manufacturing business, that, had the same support been afforded manufacturers, generally, that has been to trade and commerce, our manufactories, at this time, would have been carried on much more extensively, and would have generally afforded a profit to those concerned. Since the obstructions to our foreign trade, the manufactories of our country have increased astonishingly; the demand for wool and cotton cards, the present season, has been twice as great as it has been any year preceding. Since the receipt of your letter, my time has been so constantly occupied with the concerns of the manufactory, that I have not been able to make out any statement of it before. I have endeavored to give a general description of our manufactory; time would not permit me to be more particular.

I.

WORCESTER, November 29, 1809.

SIR: Having invented a cheap and simple method of manufacturing wood screws from iron wire, I obtained a patent for the same from the United States, in July last, and finding it extremely difficult, by any means within my power, to obtain wire of suitable sizes, I was induced to attempt the manufacturing of it; and, as a necessary appendage, to connect this business with that of screw making, the process being so easy and simple that two men of common capacity can manufacture from rods, about the size of common nail rods, three hundred weight of assorted screw wire per day; in the same time a man, with two boys, can make from the wire twenty gross of screws of a quality very much superior to those usually imported. The expense of constructing screw machines upon the principles of my patent is small, and the capital now employed, (the business being yet in its infancy,) but in one year, with the capital I can command, it would be in my power to erect as many machines as would enable me to supply the United States with that article, and of a quality much superior to any ever imported, and at as low a rate as are now paid for those imported of an inferior quality.

The manufacture of iron and brass wire has been often attempted within the United States with success, and can be carried on to a very great extent; but all the undertakers, in consequence of foreign wire being imported free of duty, have, without exception, abandoned the business; if I depended on foreign wire for the manufacturing of screws I should not be an advocate for a duty on it; but, as I make my own wire, its free importation does not affect me, as relates to the quantity appropriated to that particular use; but it very seriously affects me in a much more enlarged and extensive point of view; but if a duty of 15 or 20 per cent., ad valorem, was laid on the importation of foreign wire, the capital within the control of the company, now interested with me in this business, would enable me immediately to extend my machinery to a magnitude sufficiently extensive to meet the consumption of coarse wire within this State. The manufacture of card wire also, of which there is a great consumption within the United States, could be made to equal advantage, and would follow in course on account of the demand for it, provided manufacturers were aided by the above-mentioned duty on foreign wire; but if they should extend their works, anticipating that encouragement from Government, and it should not be given, they would suffer great loss and disappointment.

The malleability of the American iron renders the United States perfectly independent of all other countries for that first of all raw materials, and it is only by the patronage of Congress that industry and the arts can be so extensively cultivated as to take the greatest advantage, not only of this article, but of other raw materials which

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the great resources of our country furnish. The prevailing spirit of enterprise at the present time, in the exertion and extension of manufacturing establishments, is much owing to the measures heretofore adopted by Government; and I feel confident that few articles can be made in this country to so great an advantage as iron wire, and that no sufficient reason can be adduced why this article should be exempt from duty more than many others, to the particular and very great injury of our own citizens. I am, however, much encouraged to hope that the measures Government now appear to be taking, will be efficient in patronising the very laudable exertions of its citizens in the production of articles indispensable to our necessities, and especially those that are produced from the raw materials of our own country.

And the only patronage required in this business is, that the article of iron wire should be subjected to the same duty that other articles of iron manufacturers are subjected to when imported from Great Britain.

I am, most respectfully, sir, your most obedient and very humble servant,

ABEL STOWELL.

HON. HENRY DEARBORN, Esq.

I am satisfied that wire of all kinds can, and would very soon be manufactured in this neighborhood, sufficient for the consumption of the United States, if a duty should be laid on imported wire equal to what is paid on foreign articles generally. If Congress should deem it expedient to lay a duty on wire, I have good reason for believing that a considerable capital would be immediately vested in the manufactory of that article.

H. DEARBORN.

P. S.—The wood screws manufactured by Stowell, and those concerned with him, are superior in quality to imported ones; and I presume that there is no doubt, in the minds of those who have become acquainted with the facility with which they are now made, but that a sufficient quantity will be made for the use of the United States, if suitable encouragement is afforded by the Government for the manufacturing of wire.

H. D.

K.—*Statement of a manufacture at Albany.*

Capital, \$8,000; workmen, 20.

Number of hats annually made, at \$7, 1,600; at \$3, 1,300; at \$1, 3,000. Total, 6,400.

Value of hats annually made, \$19,600; value of foreign goods and materials annually used, \$900. Profit 15 to 20 per cent.

Memorandum by a country Hatter, in the State of New York.

PINE HATS.

Raccoon, 8 ounces	-	-	-	\$2 50
Beaver, 1 ounce	-	-	-	1 00

Dye-stuff and trimmings	-	-	-	68½
Making and finishing	-	-	-	1 50
Sundries	-	-	-	25

Net profit	-	-	-	\$5 93½
Sell for	-	-	-	1 06½

Sell for	-	-	-	\$7 00
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NAPPED HATS, FIRST QUALITY.

Wool, 5 ounces	-	-	-	\$0 20
Raccoon, 1 ounce	-	-	-	31
Muskrat, 1 ounce	-	-	-	50
Dye-stuff and trimmings	-	-	-	68½
Making and finishing	-	-	-	1 25
Sundries	-	-	-	12½

Net profit	-	-	-	\$3 07
Sell for	-	-	-	1 93

Sell for	-	-	-	\$5 00
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NAPPED HATS, SECOND QUALITY.

Wool, 7 ounces	-	-	-	\$0 28
Muskrat, 1 ounce	-	-	-	50
Dye-stuff and trimmings	-	-	-	68½
Making and finishing	-	-	-	1 25
Sundries	-	-	-	12½

Net profit	-	-	-	\$2 84
Sell for	-	-	-	1 16

Sell for	-	-	-	\$4 00
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NET PROFIT.

On fine hats	-	-	-	\$1 06
On napped hats, first quality	-	-	-	1 93
On napped hats, second quality	-	-	-	1 16
On felt hats	-	-	-	60

L.

BOSTON, September 25, 1809.

With two brothers, I am interested in the manufacture of cut nails. We have an establishment at Malden, five miles from Boston, where we have in operation twenty-two patent machines upon J. Reed's plan of cutting and heading with the same operation. We are also interested in two establishments upon the same plan in the vicinity of Philadelphia. One situated on Chester creek, where we have ten machines, the other situated on French creek, where we are preparing to erect twenty machines. The three manufactories, with the mill streams, buildings and machinery, necessary for that purpose, when the French creek establishment is completed, with two rolling and slitting mills already built, will cost ninety thousand dollars. The active capital employed, seventy-five thousand dollars. With the fifty-two machines, sixty men and boys are rendered capable of manufacturing, from the nail plates, fifteen hundred tons of nails per year, and by multiplying the number of machines, a quantity could be manufactured, more

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than adequate to the consumption of the United States, more especially if Congress, duly estimating the benefits to be derived from this important branch of industry, should see fit to grant a drawback on exportation somewhat proportionate to the duty paid on foreign iron. It would be very desirable, and encouraging to manufacturers, if permanent regulations could be consistently adopted, that would tend to render cheap and plenty the raw material, and that would discourage foreign importation. Such a measure would greatly facilitate domestic manufactures; it would divert the energy and enterprise of wealthy men, from ordinary pursuits; be productive of the welfare and interest of our country; whereas only temporary regulations tend to intimidate. The encouragements offered by Government, whether prohibitory or remunerative, should at least be co-extensive with the time necessarily required for the erection of extensive works, for laborers to be instructed, and for the manufactured article to find a market, that the manufacturer may, without distress, be enabled to meet his current expenses, and to replenish his stock from the return of sales; otherwise the wealth and influence of foreign competition, would, by long credits, and by purposely furnishing a surplus of cheap inferior articles at a low price, not only retard, but impoverish, the very existence of any infant manufactory in our country. If the foreign manufacturer can find a ready sale for his goods in the United States, at cost and charges, his object is gained, the manufacturing profit is secured, and not unfrequently, both to the injury of the consumer, and of the American manufacturer; to the consumer, because the cheapest goods are commonly the most deceptive, and to the American manufacturer, by an unexpected influx of foreign goods in his line, he may be defeated in his calculations, be supplanted in his sales, and compelled to warehouse a heavy stock of finished goods until the season is past for procuring, to advantage, the raw material indispensably necessary to his business. Being thus situated, he must either abandon his employment, or resort to the painful alternative of sacrificing his finished goods for less than their cost, or borrowing money upon usury, to replenish his stock at an advanced price, either of which, to a moderate capitalist, if persisted in, is inevitable ruin. English nails, the fine drawn excepted, are usually made of inferior iron, and are sometimes transported to this country in lieu of ballast, almost freight free, and sold for cost and charges; and their hoops, rods, and nail plates, are made from a kind of unwrought iron, by a process recently invented; and when the latter are cut into nails they are tender and brittle, hence arises a prejudice against all cut nails, the consumer being ignorant of the cause; but cut nails, made of Russia, Swedish, or American iron, are a good substitute for hammered nails, and, in fact, have the preference with most people, for the following reasons, viz: on account of the sharp corners and true taper with which cut nails are formed, it may be driven into harder

wood, without bending or breaking, or hazard of splitting the wood, by which the labor of boring is saved, the nail, one way, being of the same breadth or thickness from head to point. A moment's recurrence to the origin of this art, and to its rapid progress within a few years in this State, may not be amiss at this time. By the effect of necessity, in the time of the Revolution, cut nails were first made of the rusty hoops of old casks, and were as worthless as the materials of which they were made; but, after the introduction of rolling and slitting mills into the State, nail plates of new iron were substituted instead of rusty hoops, yet nails were for some time manufactured in a very imperfect manner; at present it is otherwise. There are now in this vicinity extensive nail manufactories, with useful machinery for the saving of labor, and the business is better understood and conducted, and the quality of cut nails is so much improved, that little seems to be wanted in order to success, but the protection and patronage of Government. By the best information I can obtain, I find that, on an average of the last three years, the quantity of nails and brads manufactured within the State, may be computed at no less than two thousand tons per year, of which about seventeen hundred and fifty tons have been cut, the residue hammered.

The foreign relations of our country, for some years past, have been so contingent, that the price of iron has been fluctuating between ninety-five and one hundred and forty dollars per ton, while the consumption of nails has been diminishing, and of course the demand for them; and notwithstanding foreign nails have been prohibited, yet the quantity on hand when the prohibition commenced, added to the quantity since manufactured in the United States, with a great diminution of exports, has left no chance for them to rise in proportion to the rise of the raw material. The manufacturer's profit is, therefore, less than it was prior to the rise on iron. During the present contest with Great Britain, both the French and Spanish colonies in America and the West Indies have received considerable supplies of nails from the United States, and particularly cut nails, which they preferred for many purposes. Reference to the custom-house books will probably show the difference between the imports and exports, and the result, the expediency or inexpediency of encouraging, by drawback, the exportation of them.

In the event of a peace in Europe, and a free trade between Great Britain and the Spanish colonies, the former, perhaps, could supplant the American supply of this article in the markets of the latter, were not Congress to grant some encouragement, either by drawback or bounty, to the exporter.

The fact is, that American iron, although the ore is excellent, is brought to market and sold in an unfinished state. It is not sufficiently hammered to be sound; and it is hammered in a state so cold, that the seams and cracks (of which there are many) do not close and weld. The iron

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therefore, to the worker or consumer, is worth less by ten dollars per ton, than iron finished in the style of Russia or Sweden. And this is not all; for the ends of the bars of American iron are so unsound that they are only fit for snap iron, and in fact are cut off and sold as such by the manufacturer, who pays full price for them—losing thereby five dollars and twenty-five cents, besides loss sustained by transportation and frequent handling. This being the case, and the manufacturer not being disposed to a reform, I should be sorry to be left in their hands, or be subject to their pleasure, so much as I would be, if our Government would adopt any effectual measures to prevent the importation of iron, under the mistaken impression that our country is at present capable of producing a sufficient quantity for its own consumption. Anything that would tend permanently to advance the price of iron, by increasing the demand, would tend to increase its inferiority in point of intrinsic value; for, when any article in our markets, of home manufacture, produces the highest price, and is in demand, it is frequently hurried off hand in a very unfinished and slovenly manner—even in such an imperfect state as would not in common times sell at any price. It is therefore necessary that our country should be protected from impositions of this kind, and that, instead of prohibiting the importation of iron, (as some would have it,) it should continue to be encouraged, until we can be supplied at home, with less hazard. These occasional remarks you can think of, and, if proper, use them to advantage.

M.

Boston, August 13, 1809.

The importance, in Massachusetts, of nail machinery, and all that relates to rolling and slitting mills, with which nail machinery is immediately connected, requires that a particular account should be given of them.

In old countries, nails are forged; here, they are cut, and it is curious to trace the progress of American genius through the various steps of this invention. Twenty years ago some men, now unknown, and then obscure, began by cutting slices out of old hoops, and by a common vice gripping those pieces, headed them with several strokes of the hammer. Gradually, slitting mills were built, and the shears and the heading tools were perfected; yet much labor and expense were requisite to make nails. In a little while, Jacob Perkins, Jonathan Ellis, and a few others, put into execution the thought of cutting and of heading nails by water; but, more intent upon their machinery than upon their pecuniary affairs, they were unable to prosecute the business. At different times, different men have spent fortunes in improvements, and, it may be said with truth, more than a million of dollars; but at last these joint efforts are crowned with complete success, and we are now able to manufacture, at about one-third of the expenses, that wrought nails can be manufactured for, nails

which are superior to them for at least three-fourths of the purposes to which nails are applied, and which, for seven-eighths of those purposes, are as good. The machine made use of by Odiorne, that lately invented by Jonathan Ellis, and a few others, present very fine specimens of American genius.

To northern carpenters it is well known that, in almost all instances, it is not necessary to bore the wood before driving a cut nail; all that is required is to place the cutting edge of the nail across the grain of the wood. It is also true, that cut nails will hold better in the wood. These qualities are, in some instances, worth twenty per cent. of the value of the article, which is equal to the whole expense of manufacturing it. For sheathing and drawing, cut nails are full as good as wrought nails; only in one respect are the best wrought nails a little superior to cut nails, and that is where it is necessary they should be clinched. The manufacture of cut nails was born in our own country, and has within its bosom advanced through all the various stages of infancy to manhood, and, no doubt, we shall be soon able, by receiving proper encouragement, to render them superior to wrought nails in every particular.

The principal business of rolling and slitting mills is rolling nail plates. They also serve to make nail rods, hoops, tires, sheet iron, and sheet copper. In this State we have not less than twelve, viz:

At Dover, one owned by the Boston iron and nail factory, which is composed of John and Samuel Welles, and R. Whiting.

At Plymouth, one owned by Samuel Spear, W. Davis, and Nathaniel Russell.

At Dover, Beverly, Amesbury, one each, all incorporated companies, owned, in part, I presume, by William Gray, Samuel Gray, and Os-good.

At Newton, one owned by Rufus Ellis, General Elliot and others.

At Norton, one.

At Taunton three, owned by Leonard and Crocker and others.

At Bridgewater, two.

These mills could roll and slit 7,000 tons of iron a year. They now, it is presumed, roll and slit, each year, about 3,500 tons, 2,400 tons of which probably are cut up into nails and brads.

These 3,500 tons sell for as much as \$700,000, and we may call American labor and profit three-fifths of it, when foreign iron is employed, and the whole of it, when our iron is made use of.

It is useless to observe that the consumption of cut nails has increased in proportion as their manufacture has been brought to perfection. As late as ten years ago it was very small, and the increase has been much less rapid than it would have been had the rivalry of foreign nails not stood in the way.

The English iron imported into this country, either in bars or in nail plates, or in nail rods, or in hoops, is not good for anything, nor are tires manufactured with it of any use. Out of

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the ore they roll the iron into bars, without hammering it, which saves them much expense; but the consequence is, that although the ore be good, and although the iron looks well, yet it is not compact at all; has no strength, and good, as the razors of Peter Pindar, "to sell but not to use." The fact is, the British never employ it in their own country, nor can a man, while he is buying a hoop, or a tire, or a cut nail, distinguish whether it was made out of English iron. To prevent this species of fraud it is necessary that Government should prohibit, entirely, the importation of English bar iron, nail plates, nail rods, &c. This will also encourage the manufacture of our own iron. At particular times America has been filled with the refuse of English nails and brads, and then the American manufacturer has been obliged to stop his works and subject to losses, and the consumer, deceived by the name of English nails, has bought this refuse greatly to his injury. It is, therefore, highly important to prohibit the importation of English nails and brads of all the kinds which can be replaced immediately by American, and this includes all except fine drawn nails, upon which an extra duty of one cent per pound might be placed, and if no part of this extra duty were drawn back, it would by thus much encourage the exportation of American nails.

Nor can the Legislature be restrained from prohibiting foreign nails and brads by a fear that the American manufacturers will be unable to furnish the quantity wanted; for almost immediately they could manufacture half as many again as they now do, and, in six months, could increase this to any quantity desired; nor is it to be feared that the prices will be advanced by monopoly, as the different patent rights of improved nail machinery are owned by a great many individuals totally disconnected, and as some pretty good machines are common to all. It is also well to state, in addition, that cut nails have been exported in considerable quantities, and gone to a good market. Whilst they were not so well made, they were sold in foreign ports without a profit. In Havana, and in many other places, they now actually prefer *4d.* cut nails of a good quality to the best English nails with which they have usually been supplied. I cannot leave this subject without adding one word more about English iron. It may be the plan of the English, when selling it to us, to bring into discredit American cut nails and other American manufactured articles. Unfortunately a great proportion of those articles, and especially cut nails, has been manufactured out of that iron, and probably it ever will be, because the articles cost less, look full as well, and sell as well to those who never bought any before. It is almost impossible for many people to distinguish between good and bad cut nails, and some are led to prefer giving a higher price for English wrought nails, which are no better than cut nails manufactured out of any iron but English. I have already observed that the mills in Massachusetts could manufacture seven thousand tons of iron, while they only

manufacture three thousand five hundred tons. This arises mostly from the rivalry with imported articles of the same kind—a rivalry which the Legislature may do away at once.

It need not be mentioned that the iron manufacturers have, on exportation, an equitable right to a drawback of the duty on imported iron.

In Massachusetts originated the project to manufacture cut nails, and there it has first been brought to its present state of perfection. Lately, manufactories have been erected to a considerable extent in New York, Pennsylvania, and Maryland, and unquestionably they will rapidly multiply there, and soon be spread all over the country, if the encouragements are given by the Legislature which are suggested in this sketch. If the Legislature should determine to allow a drawback of the duty on iron when manufactured, it might be well, to render the thing more simple, to change that duty, which is now *ad valorem*, into a specific duty by the pound. Say, for example, make it one cent. per pound.

N.

WRENTHAM, Oct. 1, 1800.

Straw Bonnets.—This business commenced in this town in the year 1801. At that time, the English straw bonnet had become the fashionable out-door head dress of the ladies in large towns, who are allowed always to take the lead in the fashions. The prices demanded for them were so great as to prevent the farmer's daughters purchasing them. A young lady, stimulated with a desire to appear not less fashionable than those who were better able, or more willing to pay an extravagant price for a bonnet, conceived that she might, with her own ingenuity and industry, fabricate one for herself, equal in quality, and less in expense than an English bonnet would cost. The bonnet was soon completed, and was thought to be no way inferior to the English. This first successful effort of the young lady soon commanded customers, who were furnished with bonnets at about half the price which was paid for those imported.

The demand for these bonnets increasing, others were induced to try their ingenuity. These small attempts were generally crowned with success. In a few months the manufacture of bonnets exceeded the domestic demand for them. The surplus were entrusted to the care of a man who frequented the market at Boston, with the common productions of the country, who made such returns as not only to encourage the first adventurers to continue the business, but, to induce others, also, to become adventurers; so that, at the end of one year, the bonnet business had become an important article of traffic in this vicinity. Since which, the business has actually increased, and the demand for hats and bonnets becomes more and more extensive. The principal part of this business is done in the towns of Wrentham, Franklin, Medway, Medfield, Billingham, Walpole, Sharon, and Foxborough. Some towns in the counties of Bris-

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tol and Worcester have likewise entered into this business. This concise history of a manufactory which owes its commencement to mere accident, may not be uninteresting to you, in which I have been a little particular to show from what small beginnings an important article of merchandise may be produced. Could you have believed that the annual amount of straw hats and bonnets made in the town of Wrentham alone is equal to one hundred thousand dollars? This I suppose to be within bounds. For the amount in the other towns in the county of Norfolk, abovementioned, I add one hundred thousand dollars more. This sum is, perhaps, much too small. Bristol and Worcester manufacture to a considerable amount, and the business has commenced, I have been informed, in the other parts of the State.

It is to be understood that the above sum of two hundred thousand dollars is exclusive of hats and bonnets made and worn by those who manufacture them. These bonnets and hats are exported not only to New York, Philadelphia, Baltimore, Virginia, North Carolina, Charleston, South Carolina, Savannah, and New Orleans, but to several of the West India islands.

CASE OF GIDEON OLMSTEAD.

[Communicated to the Senate, June 11, 1809.]

To the Senate of the United States :

In compliance with the request of the Legislature of Pennsylvania, I transmit to Congress a copy of certain of its proceedings communicated for the purpose by the Governor of that State.

JAMES MADISON.

JUNE 4, 1809.

Resolutions of the Pennsylvania Assembly.

Whereas, the Governor, in a communication to the Legislature, has represented that the Supreme Court of the United States had ordered a peremptory mandamus to be issued in the suit of Gideon Olmstead and others *versus* Elizabeth Sergeant and Esther Waters, executrixes of the late Mr. Rittenhouse: and that immediate application will be made to Richard Peters, judge of the district court of Pennsylvania, for an execution against the persons and effects of the said Elizabeth Sergeant and Esther Waters; or that, rather an attachment for their persons will be the compulsory process adopted on this occasion; and that, in conformity to the provisions of an act of Assembly passed the second of April, 1803, it becomes the duty of the Executive to protect the property and persons of the said executrixes against such process: and whereas the causes and reasons which have produced this conflict between the General and State Governments should be made known, not only that the State may be justified to her sister States, who are equally interested in the preservation of the State rights, but to evince to the Government of the United States that the Legislature, in resisting encroachments on their rights, are not acting in

a spirit of hostility to the legitimate powers of the United States court, but are actuated by a disposition to compromise, and to guard against future collisions of power, by an amendment to the Constitution; and that, whilst they are contending for the rights of the State, it will be attributed to a desire of preserving the Federal Government itself, the best features of which must depend upon keeping up a just balance between the General and State Governments, as guarantied by the Constitution.

Be it therefore known, That the present unhappy dispute has arisen out of the following circumstances:

That, in the night of the 6th of September, 1778, Gideon Olmstead, being a prisoner on board the armed sloop Active, bound to New York, on the passage prevailed on three of the seamen to assist him in endeavoring to take the said sloop from the captain and the rest of the crew, and to carry her into an American port. In pursuance of this bold and hazardous design, they secured the captain and crew under deck, and contemplated running the sloop into Egg Harbor: a considerable contest then arose between those under, and those on deck, for the command of the vessel.

On the 8th of September they were boarded by the brigantine Convention, fitted out by the State of Pennsylvania, commanded by Captain Thomas Houston, and, in a very short time after the sloop Active was thus seized by the Convention, the privateer sloop Le Gerard, of Philadelphia, commanded by Captain James Josiah, hove in sight.

The prize was brought into the port of Philadelphia, and was libelled in the Court of Admiralty of the State, on the 14th of September. Captain Thomas Houston for the State, himself, and crew, claimed one-half; Captain James Josiah, commander of the privateer sloop Le Gerard, for himself, crew, and owners, as consort of the Convention, and as in sight at the time of the capture, claimed one-fourth, allowing one-fourth for the four persons who first rose upon the crew of the sloop Active: Gideon Olmstead and his companions claimed the whole, alleging that they had risen on the captain and crew, had confined them in the cabin, had assumed the sole command and direction of the sloop, and were proceeding towards Egg Harbor with the captain and crew, subjected and reduced, when the said sloop was seized by the brigantine Convention. And the great question for decision was, whether Gideon Olmstead had subdued the captain and crew of the Active, or whether hostilities had ceased, when the Convention and Le Gerard came up with her?

The Court of Admiralty is the appropriate court for the trial and decision of all cases of prize. But how that court shall be constituted, must depend upon the will of the nation or State to which it belongs. The Legislature are, however, inclined to believe, that the interposition of a jury in admiralty causes was peculiar to some of the American States, and a remarkable in-

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stance of a departure from the usage of nations. It was, however, bottomed on the following resolution of Congress of November 25, 1775: that it be recommended to the several Legislatures in the United Colonies, as soon as possible, to erect courts of justice, or give jurisdiction to the courts now in being, for the purpose of determining concerning the captures to be made as aforesaid, and to provide that all trials in such case be had by a jury, under such qualifications as to the respective Legislatures shall seem expedient. That, in all cases, an appeal shall be allowed to the Congress, or such person or persons as they shall appoint for the trial of appeals, &c.

By an act of the Assembly of Pennsylvania, passed September 9, 1778, a Court of Admiralty was established. The trial was to be by jury, who were to be sworn or affirmed, "to return and give a true verdict according to evidence; and the finding of the said jury shall establish the facts without re-examination or appeal."

In all cases of capture, an appeal from the decree of the judge of admiralty of this State shall be allowed to the Continental Congress, or such person or persons as they may from time to time appoint for hearing and trying appeals, &c.

On the 4th of November, 1778, the cause came on to be tried before a struck jury, who, after hearing all the exhibits, and the arguments of the respective advocates thereon, and taken time to consider thereof, on the following day returned their verdict, finding one fourth part of the net proceeds of the sloop *Active* and her cargo to the first claimants, (Gideon Olmstead and others,) and three fourth parts of the net proceeds of the said sloop and her cargo to the libellant, (Captain Houston,) and the second claimant, (Captain Josiah,) as per agreement between them. The jury thus decided the great and important fact "that hostilities had not ceased on board the sloop *Active* at the time the brigantine *Convention* came up with her; in other words, that the captain and crew had not been *then* subdued." The judge made his decree accordingly, and the same day Gideon Olmstead and the three seamen appealed from the verdict, decree, and sentence.

At this period no Court of Appeals had been established under the authority of Congress, or in pursuance of the Articles of Confederation of the 9th of July, 1778. But committees of appeals had been from time to time appointed, consisting of members of Congress. By the ninth article of confederation, Congress was vested with power of "appointing courts for the trial of piracies and felonies committed on the high seas, and establishing courts for receiving and determining finally appeals in all cases of captures, provided that no member of Congress shall be appointed a judge of any of the said courts."

The time when Pennsylvania seceded to the Confederation is, perhaps, immaterial. It was not finally adopted by all the States, and ratified, until the 1st of March, 1781. It is, therefore, to be presumed that the Committee of Appeals, as appointed by Congress, was competent as to au-

thority, even under the provision of our own law, as no objection appears ever to have been suggested on this head.

But as to the authority or extent of the jurisdiction of the Committee of Appeals, a difference of opinion has arisen among the wisest and best informed of our citizens; and this question, of mighty moment, indeed, has agitated all Pennsylvania for thirty years.

If the Committee of Appeals had authority to revise facts which had been already established by the verdict of a jury, there was an end of the question. Their decree was conclusive and final; it could not be opened or reviewed; and it ought to have been carried into effect.

But Pennsylvania has uniformly, by all her public acts, denied the authority of the Court of Appeals to re-examine or control the verdict of the jury. The decision of a State is always important, and of infinite weight in comparison with mere private opinion. An assertion of her right was an obvious consequence; and an attempt to interfere with that right *ex parte* cannot fail to call forth, on her part, feelings of the deepest regret.

It is true that Congress, with the approbation and acquiescence of the people, exercised the power of war and peace; and, however imperfect their sovereignty might have been, they administered it with glory and advantage to the United States. It is equally true they commissioned privateers to cruise against the enemy; and to this high power, it is said, the question of prize is incidental. And if it would result from this that they had power to establish Courts of Admiralty, yet it is equally clear they did not exercise this power; and, by the Articles of Confederation, it was not vested in them, but merely the power to establish a Court of Appeals in cases of captures, although, by the same instrument, they had power "to establish courts for the trial of piracies and felonies upon the high seas, and the right of establishing rules for deciding, in all cases, what captures on land or water shall be legal, and in what manner prizes taken by naval or land forces, in the service of the United States, shall be divided or appropriated." And whatever construction might have been had, if the decree of reversal had been in the court established after the Confederation, yet in 1778 it had no binding force; nor did they profess to act under it. Courts of Admiralty for the trial of captures, or the prize courts, could then be established only by the respective States.

Congress recommended to the several States to establish Courts of Admiralty, and to provide that all trials in such case be had by a jury, under such qualifications as to the respective Legislatures shall seem most expedient, reserving, in all cases, an appeal to Congress, &c.

However incidental the question of prize, or cases of captures, may be to sovereign power, the principle cannot apply, in its full extent, to the imperfect sovereignty exercised by the United States. Their authority was gradually acquired by the consent and acquiescence of the States;

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and, where it was thus acquired, the exigencies of the new formed Union required that it should be deemed legitimate, though never expressly assented to. The power of establishing Courts of Admiralty they never assumed. The inference, therefore, is forcible, that they had not the power; or why recommend to the States to establish Courts of Admiralty, if, by virtue of their newly acquired sovereignty, they could themselves have established them? If they could not erect Courts of Admiralty jurisdiction, in the first instance, they could not, without the consent of the State, erect the appellate court. The State which established the Admiralty Court must likewise possess the power to regulate the appellate jurisdiction from its decrees; and, by the assent of the State, the appellate jurisdiction was, at their own requisition, given to Congress, where the interest and safety of the Union required it should be deposited, but under certain restrictions.

The Admiralty Court, being the court of all nations, has, by the usage of nations, been governed by the rules and principles of the civil law. It has always proceeded without a jury; and from its decrees on an appeal, the facts, as well as the law, have always been subject to a re-examination. But when Congress recommended the decision of facts in that court by a jury, strangely departing from the usage of nations, the consequence inevitably followed that the facts established by the jury could never be re-examined on an appeal. The party dissatisfied might have applied for a new trial; but there is no other way of reversing the facts determined by a jury. When, therefore, Congress recommended that the trial in such cases should be by jury, from the uniform course of proceeding in such trials, it is at least presumable they did not intend, by reserving an appeal, that the facts should be re-examined; and the only fair or consistent construction would be, that there should be an appeal on the points of law appearing on the record. That such was the intention of the Legislature of Pennsylvania is beyond doubt, when they declared "that the finding of the jury shall establish the facts, without re-examination or appeal;" and although, by the same act, they gave an appeal to Congress, it cannot be absurdly supposed that they meant to contradict and destroy the principle they had at the same instant so solemnly declared and adopted. The question itself to be tried was a mere fact, "Who captured the sloop Active?" The jury decided that fact.— They could judge of the circumstances, as well as the credit or credibility of the witnesses. If their decision, therefore, was not to be conclusive, but to be open to a re-examination, on an appeal, before a committee of Congress, in the shape of a Court of Appeals, the jury trial was a solemn mockery, calculated for expense and trouble, but productive of no good. In the case of Ross and Rittenhouse, the Chief Justice declared "that the genius and spirit of the common law will not suffer a sentence of the lowest court, founded on a general verdict, to be controlled or reversed by the highest jurisdiction, unless for error in mat-

ter of law, apparent upon the face of the record." And the same Chief Justice was also of opinion that the principle was forfeited by the resolution of Congress of January 15, 1780, "that the trials in the Court of Appeals should be according to the usage of nations, and not by jury." And on the 31st of the same month, accordant with this resolution, the Legislature of Pennsylvania appear to have been willing, for the future, to change the practice; for they resolved, "that, if the mode of trial by jury, (in cases of captures,) as recommended by Congress, is found inconvenient to the circumstances of the United States, as being a mode unknown to most of the civilized States of Europe, this House is desirous of conforming to the customary practice."

But, notwithstanding this mode of reasoning, the Committee of Appeals undertook to re-examine the whole case; they set aside the verdict of the jury, reversed the sentence of the Judge of the Admiralty, and decreed the whole proceeds of the prize to the appellants, with costs. The Judge of the Admiralty refused to carry this decree into effect; and, on the 28th of December, further decreed "that, although the Court of Appeals have full power to alter or set aside the decree of the judge of this court, yet that the finding of the jury in the cause does establish the facts in the cause without re-examination or appeal, and, therefore, the verdict of the jury still standing, and being in full force, the court cannot issue any process, or proceed in any manner whatsoever contradictory to the finding of the said jury;" and he ordered the money to be brought into court, there to remain ready to abide the further order of the court therein.

Here, then, began the great contest for jurisdiction. On the 4th of January, 1779, the Committee of Appeals issued their injunction to the marshal to detain the money in his custody, to wait the further orders of the court. The marshal, notwithstanding, paid the money to the Judge of the Admiralty, in obedience to the decree of that court. The Committee of Appeals would proceed no further, but ordered to be entered on record "that, as the judge and marshal of the Court of Admiralty for the State of Pennsylvania, had absolutely and respectively refused obedience to the decree and writ regularly made in, and issued from, this court, to which they, and each of them, were and was bound to pay obedience; the court being unwilling to enter into any proceedings for contempt, lest consequences might ensue, at this juncture, dangerous to the public peace of the United States, will not proceed further in this affair, nor hear any appeal, until the authority of this court shall be so settled as to give full efficacy to their decrees and process;" and they ordered a state of the proceedings to be prepared that they might lay it before Congress. On the 21st of January a committee was appointed by Congress to examine into the principles of the powers of the Committee of Appeals, and the causes of the refusal of the Judge of the Court of Admiralty, in the State of Pennsylvania, to execute their decree; which

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committee, on the 6th of March following, reported specially, the finding of the jury, and decree thereon, the reversal thereof, the reasons of the judge, and act of Assembly of Pennsylvania, as they are before stated.

Whereupon, it was resolved, "that Congress, or such person or persons as they appoint to hear and determine appeals from the Courts of Admiralty, have, necessarily, the power to examine as well into decisions on facts as decisions on the law, and to decree finally thereon; and that no finding of a jury in any Court of Admiralty, or court for determining the legality of captures on the high seas, can, or ought to destroy the right of appeal, and the re-examination of the facts reserved to Congress.

"That no act of any one State can or ought to destroy the right of appeal to Congress in the sense above declared.

"That Congress is, by these United States, invested with the sovereign supreme power of war and peace.

"That the power of executing the law of nations is essential to the sovereign supreme power of war and peace.

"That the legality of all captures on the high seas must be determined by the law of nations.

"That the authority, ultimately and finally, to decide on all matters and questions touching the law of nations, does reside, and is vested in the sovereign supreme power of war and peace.

"That a control, by appeal, is necessary in order to compel a just and uniform execution of the law of nations.

"That the said control must extend as well over the decisions of juries as judges, in courts for determining the legality of captures on the sea; otherwise the juries would be possessed of the ultimate supreme power of executing the law of nations in all cases of captures; and might, at any time, exercise the same in such manner as to prevent a possibility of being controlled: a construction which involves many inconveniences and absurdities, destroys an essential part of the power of war and peace entrusted to Congress, and would disable the Congress of the United States from giving satisfaction to foreign nations complaining of a violation of neutralities, of treaties, or other breaches of the law of nations, and would enable a jury, in any one State, to involve the United States in hostilities; a construction which, for these and many other reasons, is inadmissible.

"That this power of controlling by appeal the several Admiralty jurisdictions of the States has hitherto been exercised by Congress, by the medium of a committee of their own members.

"Resolved, That the committee, before whom was determined the appeal from the Court of Admiralty, for the State of Pennsylvania, in the case of the sloop *Active*, was duly constituted and authorized to determine the same.

"Resolved, That the said committee had competent jurisdiction to make thereon a final decree, and therefore their decree ought to be carried into execution." And they thereupon re-

quested the Assembly of Pennsylvania to appoint a committee to confer with a committee of Congress on the subject.

If the reasoning in the foregoing resolutions establishes the propriety of proceeding, in cases of Admiralty jurisdiction, according to the law and usage of nations, and which is now the law of the land, it could not change the law as it then stood; therefore, could have no effect upon Pennsylvania, tenacious of her own rights, resting upon her own laws, and understanding as well as any other State the extent of the power of Congress, and the authority she had consented to vest in that body. Committees were appointed to confer with a committee of Congress, but every conference was ineffectual; and on the 31st January, 1780, by a unanimous vote of the General Assembly, the following decisive instructions were transmitted to the Pennsylvania delegation in Congress:

"GENTLEMEN: The House being informed that it has been proposed in the honorable Congress that an order be drawn on the Treasury of the United States, for the amount of three-fourths of the net proceeds of the sloop *Active* and her cargo, and to pay the same to Gideon Olmstead and others, appellants in that case, in order to satisfy the decree of the Court of Appeals for prizes made at sea, and that the same be charged to the State of Pennsylvania, referring said State for indemnification to the three-fourths in the hands of the Judge of the Admiralty of Pennsylvania.

"The House, in consequence of the above, have taken the premises into their most serious consideration, and adopted the instructions given by the last House of Assembly, (March 10, 1769,) to a committee of the said House, who had been appointed to confer with a committee of Congress in the case of the sloop *Active*; which instructions are in the following words:

"Resolved, 1st. That the power of establishing courts for receiving and determining finally, appeals in all cases of captures, is reserved in Congress by the Articles of Confederation; and as the State of Pennsylvania has acceded to these articles, this House esteem it their duty to adopt such regulations, consistent with the principles of the Confederation, as Congress may judge necessary for the due exercise of the said power.

"Resolved, 2d. That, by an act of this Commonwealth for establishing a Court of Admiralty, it is declared and enacted, that the finding of the jury shall establish the facts without re-examination or appeal, and that the act is not repugnant to, but consistent with the resolutions of Congress of the 25th of November, 1775.

"Resolved, 3d. That the proceedings in the Court of Admiralty, in the case of the sloop *Active*, were founded upon the aforesaid act of Assembly, which, together with the said resolve, form the true ground whereupon the decision of the contested point should be made, without involving a consideration of the necessity or propriety of future alterations.

"The House likewise instruct you immediately to inform the honorable body, of which you are

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members, that this House will consider any application of the money of this State, by Congress, to the purpose aforesaid, as a high infringement on the honor and rights of the Commonwealth of Pennsylvania; and, in this view, will complain, in an especial manner, of those delegations which shall concur in any vote for that purpose, to the several legislative bodies from whom they respectively derive their powers.

"And you are further instructed to enter a protest, in behalf of this State, that we will pay no part of the sum which Congress shall award, out of the Treasury of the United States, in consequence of the decree of the Court of Appeals.

"We also instruct you to inform Congress that the manifest right of the citizens of this State to the benefit of its laws has, some time since, obtained from the authority thereof, an order for the distribution of the three-fourths, given by the verdict of the jury in this case, to the captains and crews of the brigantine Convention and her consort.

"The House views with astonishment the perseverance and decision of Congress, in rolling upon this State an embarrassment created by the Court of Appeals.

"Congress recommended a trial by jury to be introduced into the Court of Admiralty. The Assembly of Pennsylvania adopted the measure. A jury, in the case of the sloop Active, founded their verdict upon the facts. It is the proper business, and the strict right of juries to establish facts; yet the Court of Appeals took upon them to violate this essential part of jury trial, and to reduce, in effect, this mode of jurisprudence to the course of the civil law; a proceeding to which the State of Pennsylvania cannot yield.

"If the mode of trial by jury, (in cases of captures,) as recommended by Congress, is found inconvenient to the circumstances of the United States, as being a mode unknown to most of the civilized States in Europe, this House is desirous of conforming to the customary practice.

"The House finally remind you of the laws, which, they understand, have been passed in some of the States of the Union, denying all appeal in law, as well as fact, to the Court of Appeals established by Congress for prize causes, except the claimants be foreigners, or captors in the pay of Congress; by the operation of one of which laws, Mr. Hugh McCulloch, a citizen of Pennsylvania, was debarred from removing the case of a ship and cargo condemned in New England, into the said Court of Appeals, and that little notice appears to be taken of these laws, whilst Pennsylvania, conforming to the recommendation of Congress, concerning admiralty jurisdiction, in the most legal and usual construction of the expression, has not, in our opinion, been treated by that honorable body with sufficient respect and attention."

Such, then, has been the decisive stand which Pennsylvania has uniformly made against the decree of the Committee of Appeals. Can we undertake to say, from a view of the case, that our predecessors, for thirty years, have been

wrong? Yet the opinions of public men have been various. Chief Justice McKean, in the case of Ross and Rittenhouse, judicially declares "that the decree of the Committee of Appeals was contrary to the provisions of the act of Congress, and of the General Assembly, *extra judicial, erroneous and void.*" Two of the judges, who sat in the same cause, although they do not expressly negative this opinion, appear not to concur in it. The Supreme Court of the United States, in the case of Pennhallow and Doane, unanimously affirm the authority of the Court of Appeals; and, upon the decision of this case, it would appear this contest has been revived, after it had slumbered for twenty-three years; and, as it would seem, even after Congress had abandoned the right.

But the Legislature cannot relinquish this part of the case without once more referring to the proceedings of Congress on this long litigated point.

Mr. Ellery, Mr. Hand, Mr. Speight, Mr. Jefferson, and Mr. Lee, a committee of Congress, to whom was referred the proceedings and sentence of the Court of Appeals, in cases of capture, on the case of the ship Susanna, reported; and, after stating that the resolution of the 25th of November, 1775, had been complied with by the several States, some of them ceding appeals to Congress on a larger, and some on a more contracted scale; that the Court of Appeals had reversed the sentence passed by the inferior and superior courts of New Hampshire, in the case of the ship Susanna; that all these proceedings were prior to the completion of the Confederation, which took place on the 1st day of March, 1781. They resolved, That the said capture having been made by citizens of New Hampshire, carried in, and submitted to the jurisdiction of that State, before the completion of the confederation, while appeals to Congress were absolutely refused by their Legislature, neither Congress, nor any person deriving authority from them, had jurisdiction in the said case." On the 30th of March, 1784, the report was taken up, and on the question of agreement, on the yeas and nays, six States voted for the resolution, two States, and Mr. Read from South Carolina, voted against it, and two States were divided; and in numbers, the yeas were 15, the nays 9; but there not being a majority of States in the affirmative, the question was lost. It may not be unworthy of remark, that, on the above resolution, Mr. Jefferson voted in the affirmative; as also did Mr. Ellery, who was one of the Court of Appeals, which reversed the decree of the Pennsylvania Court of Admiralty; and as Pennsylvania allowed an appeal only on a contracted scale, that could no more be exceeded than it could in the case of the New Hampshire, who allowed no appeal at all.

There is no reason, therefore, for departing from the principles and opinions of our predecessors, unequivocally declared in their public votes and laws, respecting the case of the sloop Active, without a single exception from the first moment of the contest.

The second part of the case exhibits facts and

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circumstances of the deepest interest and concern to Pennsylvania. An attempt has been made by the district court, deriving its authority from the Constitution of the United States, to enforce the decree of the Committee of Appeals; the jurisdiction of which, to reverse the facts established by a jury, Pennsylvania had so long resisted; and which even Congress, under the confederation, had so long abandoned; not only to enforce it, but to enforce it *ex parte*; without power to examine the merits or to control its errors; without notice to the State, or consulting its interests; not only thus to enforce it, but to convert the treasurer and agent of the State, acting under its immediate authority, into a stake-holder, as a mean to reach the funds of the State, and to affect its rights.

If this can be done, the amendment to the Constitution would be a dead letter. The State can act under its laws only by its agents. Its moneys remain in the hands of its treasurers. If the officers can be converted, by the decree of a judge, into stake-holders, there can, perhaps, be no possible case in which the Constitution may not be evaded.

It sufficiently appeared, in answer to the libel, that Mr. Rittenhouse received the money as treasurer of the State, for the use of the State. It appeared decisively on the public records of the Commonwealth. But it is alleged, "that the amendment to the Constitution simply provides that no suit shall be commenced or prosecuted against the State. That in this case the suit was not instituted against the State or its treasurer, but against the executors of David Rittenhouse. That if the proceeds had been the actual property of Pennsylvania, however wrongfully acquired, the disclosure of that fact would have presented a case on which it is unnecessary to give an opinion.

Such is the language of the Supreme Court of the United States. If the process and jurisdiction of the Admiralty Court will reach and extend over the proceeds of prizes found within the district; and individuals, no party to the original decree, can be libelled against, is all investigation to be foreclosed? or, if it be not in the nature of an original suit, but merely a proceeding to enforce a decree of a former court, in which Captain Josiah and Captain Houston were parties, why are Captain Josiah and the representatives of Captain Houston unheard in this strange proceeding?

It is further alleged, and is made a ground of decision by the Federal Courts, "that the property which represented the Active and her cargo was in possession, not of the State of Pennsylvania, but of David Rittenhouse as an individual, after whose death it passed, like other property, to his representatives."

It is, however, clear that David Rittenhouse could not have received a farthing of the money, as David Rittenhouse, but as treasurer of the State only, and by order of the State. Although David Rittenhouse gave a bond to indemnify George Ross, yet that instant the State became

bound to indemnify David Rittenhouse, and the real party then interested was the Commonwealth of Pennsylvania. A treasury or other officer, retaining the public moneys upon any pretence whatever, cannot, upon any principle, change the nature of the question.

Notwithstanding, by the highest judicial authority the question is declared to be at rest, "That, by the decree of reversal, the interest of the State of Pennsylvania in the Active and her cargo was extinguished; that, although Mr. Rittenhouse was Treasurer of the State of Pennsylvania, and the bond of indemnity which he executed states the money to have been paid to him for the use of the State, it is apparent he held in his own right, until he should be completely indemnified by the State, and that the evidence to this point was conclusive; that it did not appear that the original certificates were deposited in the State Treasury, or in any manner designated as the property of the State, or delivered over to his successor; and, when funded, were funded in his own name, and the interest drawn by him. That the memorandum made by him, at the foot of the list of certificates, in these words: "The above certificates will be the property of the State of Pennsylvania when the State releases me from the bond I gave in 1778 to indemnify George Ross, Esq., Judge of the Admiralty, for paying the fifty original certificates into the treasury, as the State's share of the prize," demonstrates that he held the certificates as security against the bond he had executed, and that bond was obligatory not on the State of Pennsylvania, but on David Rittenhouse, in his private capacity.

This statement by the court, as part of the broad ground on which they decided, may be plausible, may give color to the decision, yet it by no means appears that he receives it as a stakeholder, or upon a contingency, but for the use of the State, as its share of the prize. And even upon his own memorandum, so much relied on, it is stated that the certificates were paid into the treasury as the State's share of the prize; and, as the State was bound to indemnify him when he acted under its orders, the State would have of course been the real party interested in any suit which might have been commenced upon it. It would seem that the court was not possessed of the whole state of the case, as will appear from the authority under which the treasurer acted; which proves explicitly how and in what character he acted. In the minutes of the Supreme Executive Council is the following resolution:

"PHILADELPHIA, April 21, 1779.

"Resolved, That David Rittenhouse, the Treasurer, be directed to find sufficient security to be approved of by the judge of the admiralty for the share adjudged to the State of the prize sloop Active, taken by the brigantine Convention and Gerard privateer; and take up the money, which will exceed eleven thousand pounds, for the use of the State, one-half of the sum allotted to the Convention coming to the State."

It here incontrovertibly appears that he did not

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receive the money as a private individual, but for the use of the State, by the orders of the Executive authority, and the bond which he executed was executed by him by the like authority, as agent and security for the State. Having thus received the money, previously the property of the State, by the decree of the Admiralty Court, as Treasurer, no detention of it when he went out of office ought in reason or principle to be considered as changing the nature of the original transaction. The Legislature, at their session, November 23d following, passed a resolution similar to that of the Executive Council; and the act of February 26, 1801, still further corroborates all the former proceedings of the State.

The Legislature are also of opinion that, as the brigantine Convention was the property of the State, as soon as judgment was pronounced upon the verdict of the jury, its interest attached upon its proportion of the prize, and as soon as it was received by the State Treasurer, it was so much belonging to the State actually in the treasury.

When it is said that the State of Pennsylvania forbore to assert its title while the suit was depending, let it be forever remembered that the State of Pennsylvania had no notice. And if notice had been given, to what purpose could she have asserted her title when by the high authority of the court it is declared that the court had nothing to do with the question decided by the Court of Appeals, which must be enforced without an examination of its merits.

Although the Legislature reverence the Constitution of the United States and its lawful authorities, yet there is a respect due to the solemn and public acts, and to the honor and dignity of our own State, and the unvarying assertion of her right for a period of thirty years, which right ought not to be relinquished; therefore,

Resolved, by the Senate and House of Representatives of the Commonwealth of Pennsylvania, &c. That, as a member of the Federal Union, the Legislature of Pennsylvania acknowledges the supremacy, and will cheerfully submit to the authority of the General Government as far as that authority is delegated by the Constitution of the United States. But whilst they yield to this authority, when exercised within Constitutional limits, they trust they will not be considered as acting hostile to the General Government, when, as the guardians of the State rights, they cannot permit an infringement of those rights by an unconstitutional exercise of power in the United States courts.

Resolved. That, in a Government like that of the United States, where there are powers granted to the General Government, and rights reserved to the States, it is impossible, from the imperfection of language, so to define the limits of each, that difficulties should not sometimes arise from a collision of powers; and it is to be lamented, that no provision is made in the Constitution for determining disputes between the General and State Governments by an impartial tribunal, when such cases occur.

Resolved, That, from the construction the Uni-

ted States' courts give to their powers, the harmony of the States, if they resist encroachments on their rights, will frequently be interrupted; and, if to prevent this evil, they should, on all occasions, yield to stretches of power, the reserved rights of the States will depend on the arbitrary power of the courts.

Resolved, That should the independence of the States, as secured by the Constitution, be destroyed, the liberties of the people in so extensive a country cannot long survive. To suffer the United States' courts to decide on State rights will, from a bias in favor of power, necessarily destroy the Federal part of our Government, and whenever the Government of the United States becomes consolidated, we may learn from the history of nations what will be the event.

To prevent the balance between the General and State Governments from being destroyed, and the harmony of the States from being interrupted,

Resolved, That our Senators in Congress be instructed, and our Representatives requested, to use their influence to procure an amendment to the Constitution of the United States, that an impartial tribunal may be established to determine disputes between the General and State Governments; and that they be further instructed to use their endeavors, that in the meanwhile such arrangements may be made between the Governments of the Union and of this State as will put an end to existing difficulties.

Resolved, That the Governor be requested to transmit a copy of these resolutions, together with the foregoing statement, to the Executive of the United States, to be laid before Congress at their next session. And that he be authorized and directed to correspond with the President on the subject in controversy, and to agree to such arrangements as may be in the power of the Executive to make, or that Congress may make, either by the appointment of Commissioners or otherwise, for settling the difficulties between the two Governments.

Resolved, That the Governor be also requested to transmit a copy to the Executives of the several States in the Union, with a request that they may be laid before their respective Legislatures.

JAMES INGLE,

Speaker of the House.

P. C. LANE,

Speaker of the Senate.

Approved, April 3, 1809.

SIMON SNYDER,

Governor of Pennsylvania.

[Communicated to the Senate, Dec. 19, 1809.]

To the Senate of the United States:

Agreeably to the request in the resolution of the 15th instant, I transmit a copy of the correspondence with the Governor of Pennsylvania, in the case of Gideon Olmstead.

JAMES MADISON.

DECEMBER 16, 1809.

Case of Gideon Olmstead.

LANCASTER, April 6, 1809.

SIR: In discharge of a legislative injunction, I transmit you the proceedings of the General Assembly, on the long-litigated cause of Gideon Olmstead and others *versus* Elizabeth Sergeant and Esther Waters, executrixes of David Rittenhouse, deceased, late Treasurer of Pennsylvania. Believing it will tend to a more perfect understanding of the subject, I take the liberty to add a copy of an act of the General Assembly relative thereto, passed the 4th instant, and also beg leave to refer you to two other acts, the one passed February 1st, 1801, and the other April 2d, 1803.

While I deeply deplore the circumstance which has led to this correspondence, I am consoled with the pleasing idea, that the Chief Magistracy of the Union is confided to a man who merits, and who possesses so great a portion of the esteem and the confidence of a vast majority of the citizens of the United States; who is so intimately acquainted with the principles of the Federal Constitution, and who is no less disposed to protect the sovereignty and independence of the several States, as guarantied to them, than to defend the rights and legitimate powers of the General Government; who will justly discriminate between opposition to the Constitution and laws of the United States, and that of resisting the decree of a judge, founded, as it is conceived, in a usurpation of power and jurisdiction not delegated to him by either; and who is equally solicitous with myself, to preserve the Union of the States, and to adjust the present unhappy collision of the two Governments in such a manner as will be equally honorable to them both.

Permit me to add in addition to the act I have done as the Chief Magistrate of the State of Pennsylvania, to assure you, sir, as an individual, of my full confidence in the wisdom, justice, and integrity of the present Administration of the General Government, and my fixed determination, in my public, as well as in my private capacity, to support it in all Constitutional measures it may adopt.

With the highest consideration, I am, sir, your obedient servant.

SIMON SNYDER.

His Exc'y the PRESIDENT OF THE U. S.

An Act relative to certain proceedings in the case of the prize sloop *Active*.

Whereas, by an act of the General Assembly of this Commonwealth, passed the second day of April, in the year of our Lord 1803, entitled "An act relating to the claim of this Commonwealth against Elizabeth Sergeant and Esther Waters, surviving executrixes of David Rittenhouse, Esquire, deceased," the right of this Commonwealth was asserted to certain moneys which the said executrixes of David Rittenhouse, heretofore Treasurer of the Commonwealth of Pennsylvania, admitted to have been received by them in the manner in the same act particularly set

forth, as part of the proceeds of a certain prize called the "*Active*," captured during the Revolutionary war, and provision was made among other things, that if, in pursuance of the requisition of the said act, (the decree of the district court of Pennsylvania, in the said act mentioned, to the contrary notwithstanding,) the said executrixes should pay the said moneys into the Treasury of the Commonwealth without suit brought against them to compel such payment, they should be indemnified for so doing. And whereas the Supreme Court of the United States have reviewed the proceedings of the said district court of Pennsylvania, and have adjudged that the decree thereof ought to be enforced, notwithstanding the claim of the Commonwealth, and the payment of the said moneys into the treasury thereof, as aforesaid: and whereas the good faith of this Commonwealth requires that the said engagement of indemnity should be effectually performed: and whereas sundry unforeseen difficulties may arise in protecting the just rights of the State, which ought to be provided for before the adjournment of the Legislature; and as the Legislature, by their resolutions during the present session, have enjoined certain duties on the Governor, touching the premises, and it is expedient to make such appropriations as shall meet every contingency; but, protesting that nothing in this act contained shall be deemed or taken as a dereliction of any right or principle heretofore asserted on behalf of the Commonwealth. And it is, moreover, the duty of the Legislature to protect all good citizens from losses or injury in their property or persons, by reason of their obedience to the laws and constituted authorities of the Commonwealth. Therefore,

SEC. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That a sum not exceeding \$18,000 be, and the same is hereby, appropriated and made subject to the orders of the Governor on the State Treasurer, to enable the Governor to carry into effect all and every engagement of this Commonwealth, touching the premises, in such manner as may appear to him to be advisable, just, and proper, and to meet all contingent expenses which may arise in the execution of any authority or power given to or enjoined on him by the resolutions of this Legislature, passed April 3, 1809, or by the act of Assembly of April 2, 1803. And also to protect all and every person or persons in any way concerned in the protection of the just rights of the Commonwealth, in obedience to the injunctions of any law or authority derived therefrom.*

JAMES INGLE,
Speaker of the House of Reps.

P. C. LANE,
Speaker of the Senate.

Approved, April 4, 1809.

SIMON SNYDER.

The Territory of Orleans.

WASHINGTON, April 13, 1809.

SIR: I have received your letter of the 6th instant, accompanied by certain acts of the Legislature of Pennsylvania, which will be laid before Congress according to the desire expressed.

Considering our respective relations to the subject of these communications, it would be unnecessary, if not improper, to enter into any examination of some of the questions connected with it. It is sufficient, in the actual posture of the case, to remark, that the Executive of the United States is not only unauthorized to prevent the execution of a decree sanctioned by the Supreme Court of the United States, but is expressly enjoined, by statute, to carry into effect any such decree where opposition may be made to it.

It is a propitious circumstance, therefore, that whilst no legal discretion lies with the Executive of the United States to decline steps which might lead to a very painful issue, a provision has been made by the legislative act transmitted by you, adequate to a removal of the existing difficulty, and I feel great pleasure in assuring myself that the authority which it gives will be exercised in a spirit corresponding with the patriotic character of the State over which you preside.

Be pleased, sir, to accept assurances of my respectful consideration.

JAMES MADISON.

His Excellency Gov. SNYDER.

THE TERRITORY OF ORLEANS.

[Communicated to the Senate, March 12, 1810.]

To the Senate and House of Representatives of the United States:

The inhabitants of the Territory of Orleans, become your countrymen by a combination of political events, but as satisfied with the title of citizens of the United States as if they had acquired it from choice, raise up to you, through the organ of their Representatives, their respectful remonstrances on the inconveniences which, no doubt against your intentions, have been the inevitable consequences of the system of government which you have given them. They appear before your honorable assembly, full of confidence in your justice, not to vent any complaints, but to claim their rights. They bring you not testimony of their discontent, but the expression of their wishes and of their hopes; and they pray you, before you listen to their representations, to accept the homage of the fidelity which they again swear to the Constitution of the United States, and the tribute of admiration which they pay to that sacred charter where the true principles of liberty are recorded in indelible characters. After this solemn protestation of their sentiments, they entreat you to lend an attentive ear to the object which they are going to submit to your consideration. Its importance claims that it interests the fate of a great number of men,

whose happiness you have contracted the obligation to procure when you adopted them for your fellow-citizens.

A considerable portion of the inhabitants of this Territory thought, some years ago, that they had a right to solicit the incorporation of this country into the Union. They founded their claims on the stipulations of the treaty of April, 1803, and demanded that this Territory should be erected into a State, not so much because of the utility of the measure, than because they considered it as secured by the treaty.

Things are now materially altered. The Legislature of this Territory came forward several years after to solicit that incorporation, not so much as a right than as a favor. Whatever may have been the political considerations which induced your honorable body to reject the application which was made to you in 1804, those reasons exist no longer. The loyalty of the whole population of this Territory has since then been put to the trial in circumstances sufficiently critical for you to be now convinced that the inhabitants of Lower Louisiana are not undeserving the confidence of the Federal Government. The devoted spirit of our militia, when war with Spain was on the eve of breaking out, our unshaken fidelity, in the midst of treasons and conspiracies, are irrefragable proofs of the incorruptibility of our honor, and of the sincerity of our affection to our common country.

But not only there is no longer any reason to oppose the wish of the citizens of this Territory, there exists powerful motives to induce your honorable assembly to see it in a favorable point of view. The system of government which you have given them, because you thought it would be convenient, does not suit either their physical nor their political situation. To use the expressions of the person who is at the head of our Executive, when speaking of a particular branch of our Government: "The ordinance of 1787, originally intended for a small agricultural society, was of hazardous experiment in a Territory like ours, populous, wealthy, and commercial, where the landed property is holden by titles so various and complex, and where the principles of the common and civil law, the statutes of the United States, and the municipal regulations of France and of Spain," mingle together to render the administration of our affairs more complicated and more embarrassing. Since the introduction of that ordinance, a sad experience has shown us its imperfection and insufficiency. As we have been endeavoring to conciliate it with our wants and our localities, the difficulties multiplied themselves so much, that we now think it impossible to establish harmony amidst the incoherent materials of which our present Government is composed.

We live, however, at the distance of six hundred leagues from your honorable assembly, who gave us those laws, and who alone has the right of remedying the evils which they may have created. Convened, moreover, for the general good of the Union, occupied with great politica

The Territory of Orleans.

subjects, on which depends the safety of the whole nation. you cannot, nay, you ought not, to stoop to the details of our local administration; and although you should consent to enter into the examination of those details, you are not sufficiently acquainted with our situation to have it in your power to ameliorate it.

Such were undoubtedly the reasons which determined your honorable body to give us an elective Legislature. You thought that, by granting us the privilege of making our own laws, you furnished us with the means of securing our happiness. No doubt, legislators, such were your benevolent intentions. But how far that institution fell short of the end for which it was established! From the bosom of that ordinance, which you had given us as a favor, inconveniences and difficulties have sprung which made our situation worse than it was before.

In almost all the measures which we attempt to take for the amelioration of the government of the Territory, the provisions of the ordinance shackle our efforts. It would be preposterous to entertain your honorable assembly with the particulars that form the mass of our grievances, and to conduct you through the windings of the labyrinths of our administration. Higher objects call your attention, and bid us to spare the precious time which you are bound to employ for the general good of the nation. But without tiring your patience with useless details, if you will deign to cast an eye on the most striking inconveniences of our present situation, you will be forced to acknowledge the necessity of granting to us more extensive powers wherewith to clear our way amidst the innumerable difficulties which reiterated changes of government have heaped around us.

The absolute veto of the Executive; a Judiciary placed above the authority of the Legislature; provisions only obscure, sometimes contradictory, which furnish individuals whose private interests are in opposition to the public welfare, with the means of creating doubts upon the most important subjects; powers and functions imperfectly defined; a complicated jurisprudence; an entangled chicane, in the vortex of which our business and fortunes are precipitated; public officers who often have no idea of our municipal laws, and do not understand the language of the great majority of our population; no voice in their election; no check on their conduct; no confidence, no harmony; such is, legislators, the present state of government in the Territory of Orleans. It would even be more grievous if the Chief of our executive, to whom we owe this public testimony of our acknowledgment, had not united his efforts to ours to better our situation.

But the palliative measures to which we recur offer little resistance to the torrent of disorder which flows from our Constitution itself. The only efficacious means to employ is to drain the source of the evil, by changing entirely the actual system of our government.

That remedy, legislators, is in your hands. No constitutional obstacle prevents you from using

it. The condition which you have put to our admission into the Union, that of waiting until the Territory should possess sixty thousand inhabitants, can be repealed by the same authority which has imposed it. It does not emanate from the Constitution of the United States, it emanates from your will. If you think the emancipation of this Territory to be a necessary measure because of the physical and of the political situation of this country; because of its remoteness from the seat of the Federal Government, where we are now obliged to apply even for the details of our local administration; because of the confusion into which that administration has been plunged by the successive changes which it has experienced; if you think that emancipation to be a salutary measure, as tending to bind more closely to the interests of the Union a population already known by their loyalty; if you think that emancipation to be a just measure as the recompense of the irreproachable conduct which that population has pursued in critical and tempestuous times; nothing can, nay, nothing ought, to prevent you from pronouncing the decree which we solicit.

In vain would it be objected that our demand is premature; that our population does not yet amount to sixty thousand free inhabitants, as is required by the ordinance of 1787, originally made for the Territory Northwest of the Ohio. The articles of compact, which are included in that ordinance, cannot be considered as obligatory on us, since we stipulated, approved, accepted nothing; and the ordinance, with regard to us, is a law like the others, emanating solely from your will. If those articles are obligatory on your part, they can be so only as containing an engagement not to retard our incorporation into the Union beyond the epoch when our population shall amount to sixty thousand inhabitants; but by contracting the obligation, not to deprive us of certain advantages, you did not part with your right of granting to us further favors.

Such was your consideration of the subject, even with respect to those who were considered as contracting parties in the ordinance of 1787, when you erected, in 1802, the Territory of Ohio into a State, long before it possessed the number of inhabitants required by the ordinance.

But although the law which you have established over us can be revoked by the same power that has dictated it, if through respect for ancient institutions, if through attachment for a plan of government which was successively applied to your several Territories, you should persist in requiring, as a condition of our incorporation, that our population should amount to sixty thousand free inhabitants, then we might abandon the hope ever to see the change which is the object of our wishes. Our Territory, though vast, cannot admit of any large increase of population. Nearly all the lands conveniently situated are occupied; immense swamps cover a great proportion of the remaining part of the country, and such uninhabited lands as are cultivable are chiefly to be found towards the limits of our Territory. Such a situ-

Boundary between North Carolina and Georgia.

ation threatens, therefore, at least the present generation, never to see the epoch of their emancipation, if your honorable assembly should not yield to the powerful reasons which now make it convenient, or rather necessary.

Must we add, to what has been above represented, that we are capable of appreciating the advantages of the Government which we pray you to extend to us? Do you suppose it possible that we should have enjoyed during several years a portion of that precious liberty which you alone have preserved, amidst the subjection of all the civilized nations, and that we should not wish to possess it entirely? Do you doubt that we would receive with transport the favor which we solicit from your liberality and your justice? And do you hesitate to believe that, once in possession of our independence, it shall not be wrested from us but with our lives? No, legislators, your reason must persuade you that the emancipation of the Territory of Orleans is ardently desired by its inhabitants; and your heart must tell you that, by extending independence to them, you will forever secure their friendship and their devotion.

THOMAS URQUHART,
Speaker House of Representatives.
J. D. D. BELLECHASSE,
President of the Legislative Council.

Attest: E. FROMENTIN,
Clerk to the House of Representatives.

Attest: P. DERBIGNY,
Secretary to the Legislative Council.

BOUNDARY BETWEEN GEORGIA AND
NORTH CAROLINA.

[Communicated to the House, April 26, 1810.]

IN SENATE, November 18, 1809.

To the President and gentlemen of the Senate, and to the Speaker and gentlemen of the House of Representatives in Congress assembled:

The State of Georgia, by her convention with the United States bearing date the 24th day of April, which was in the year 1802, for the cession of her western territory, having acquired a right to a certain tract of country, which was west of South Carolina, and separated the States of North Carolina and Georgia; and the Commissioners on the part of the United States having held forth to the Commissioners of Georgia on that occasion, this territory, as a strong and valuable part of the consideration offered by the United States for the completion of that convention:—

The State of Georgia sent her Surveyor General to ascertain the extent and quality of the territory she had thus acquired; he ascertained the boundaries to be at points that had long been supposed by South Carolina, and all the precedent claims to this tract of country; Georgia then proceeded, under the solemn convention she had entered into with the United States, to extend her laws and Government over the people

there resident, and she then, with astonishment, first heard that her claims were to be resisted by North Carolina, unless she would agree to sanction grants that had issued from the Government of that State, and which would swallow up the right of soil through the whole extent of country; the sanctioning of which would have overthrown her benevolent intentions to its resident inhabitants, and confirmed a system of speculation which it had been the effort of Georgia to weed out of the limits of her State.

The documents subjoined to this address (and marked No. 1) will confirm what is here advanced.

Georgia, disappointed in her application to North Carolina, then addressed herself to Congress on the subject; her Representatives abstained, however, from pressing the affair, on receiving assurances from the Delegation of the State of North Carolina that they would represent to their own State the necessity of meeting on some other grounds the requisition of Georgia.

In consequence of this application North Carolina did appoint Commissioners, who met Commissioners from Georgia. Some observations were made of the latitude of places, supposed about the boundaries of the two States. But because those observations were contrary to all that had been made before them; because they were directly against the opinions of persons best informed upon the subject, from neighboring States; because they were not confided in by the citizens claimed of Georgia, resident in the country; and, above all, because the observations made were themselves so variant (where a variation to such an extent was not to be expected) as to demonstrate that there was an error in the men employed, or in the instruments used:—

The Legislature of Georgia, from some or all of these reasons, refused her assent to the boundaries that would have been fixed by these observations, and again requested North Carolina to appoint Commissioners, that the doubts on the subject might be removed; that if Georgia had no just claim to a territory for which, by her convention with the United States, she had allowed a valuable consideration, she might have satisfactory and conclusive testimony. This application, though reiterated, has been rejected; this requisition, though pressed by the Government of Georgia to a wearisome length, has met with nothing but denial from her sister State, as the documents annexed to this memorial (and marked No. 2) will confirm.

The Legislature of Georgia now see but one mode of calming the irritations that have arisen between the two States on this subject; they, therefore, apply to the Government of the United States to appoint a proper person to run the dividing line between the two States, through the whole extent, either at the expense of the Union, as Georgia believes she has a right to demand, or, at the expense of the two States, if Congress should so insist.

Be it, therefore, resolved by the Senate and House of Representatives of the State of Georgia

Boundary between North Carolina and Georgia.

in General Assembly met, and by the authority of the same, That our Senators and Representatives in the Congress of the United States press upon the attention of the General Government the subject matter of the preceding memorial.

And be it further resolved, That His Excellency the Governor, transmit to our delegation in Congress the preceding memorial and resolution.

Read and passed.

H. MITCHELL, *Pres't.*,
Attest: W. ROBERTSON, *Sec'y.*

In the House of Representatives, read, and concurred in.

B. WHITAKER, *Speaker*,
Attest: H. HOLT, *Clerk*.

EXECUTIVE DEPARTMENT, GEORGIA,
December 15, 1809.

Presented, read, and approved.

D. B. MITCHELL, *Governor*,
Attest: E. EARLY, *Secretary*, E. D.

SECRETARY OF STATE'S OFFICE,
MILLEDGEVILLE, February 7, 1810.

I certify that the foregoing is a true copy of the original deposited in this office, with the great seal of the State affixed thereto.

H. MARBURY, *Sec'y of State*.

EXECUTIVE DEPARTMENT, GEORGIA,
LOUISVILLE, December 10, 1806.

SIR: Agreeably to a resolution of the General Assembly of this State, I do myself the honor to enclose to your Excellency copies of sundry resolutions, passed at their last session, relative to ascertaining the limits of this State. In conformity with one of the resolutions, the Legislature did, on the 5th instant, proceed to elect Commissioners on the part of this State, when it appeared that Thomas P. Carnes, Thomas Flournoy, and William Barnett, Esquires, were elected to ascertain the 35th degree of north latitude, and plainly to mark the dividing line between the States of North Carolina and Georgia.

I am, sir, very respectfully, &c.

JARED IRWIN.

His Exc'y the GOVERNOR of North Carolina.

EXECUTIVE DEPARTMENT,
RALEIGH, (N. C.), Jan. 1, 1807.

SIR: I have the honor to acknowledge the receipt of your Excellency's favor, dated the 10th of December last, accompanied with certain resolutions entered into by the Legislature of the State of Georgia, relative to the boundary line.

It was with satisfaction I saw that measures had been adopted that may, and no doubt will, lead to an amicable adjustment of our territorial differences.

Enclosed you will receive the copy of a law passed by the Legislature of North Carolina at its last session; by adverting to it you will observe that the objectionable parts of the former law are removed; thus it is expected that no difficulty can result in determining the equitable claims of the two States by their conferees.

On inquiry, I find the country in the neighborhood of the boundary is thinly inhabited, and that it is hardly probable that the Commissioners can be comfortably accommodated in its vicinity during their negotiations. Permit me, therefore, to propose Buncombe court-house, in this State, as a suitable place, for the meeting of the Commissioners, and that the same should take place on the 20th of April next. If, however, neither the time nor place should meet with your approbation, please to alter them so as to make it agreeable to the Commissioners on the part of Georgia, as no difficulty shall arise on this head, as the Commissioners on the part of this State are disposed to accede to any proposition in this respect that you should be pleased to make.

The Commissioners appointed by this State on the subject of boundary are Messrs. John Steele, John Moore, and James Willborn.

You will please to inform me by the earliest opportunity what arrangement you have thought proper to make on this important business.

With high consideration and respect. &c.

NATH'L ALEXANDER.

His Exc'y the GOVERNOR of Georgia.

EXECUTIVE DEPARTMENT,
LOUISVILLE, (Ga.), March 11, 1807.

SIR: Immediately upon the receipt of your letter of the 1st of January last, I wrote the Commissioners, on the part of this State, and informed them of the time and place proposed by your Excellency for the Commissioners on the part of both States to meet at and adjust our differences respecting boundary; to which I received their answers on the 27th ultimo, wherein they informed me that they will be at the place appointed by you on the 15th of June next, of which you will please to notify the Commissioners on the part of the State over which you preside.

I have the honor to be, &c.

JARED IRWIN.

His Exc'y the GOVERNOR of North Carolina.

EXECUTIVE DEPARTMENT,
RALEIGH, (N. C.), March 25, 1807.

SIR: It is with pleasure I acknowledge the receipt of your letter dated the 11th instant, in answer to mine dated the 1st of January last, on the subject of boundary. I do not hesitate to say that the time proposed will be considered agreeable to the Commissioners of this State; I shall accordingly instruct them to proceed to Buncombe court-house, within this State, to be there on the 15th of June next, as proposed, prepared to enter upon the duties of their appointment. On the 14th day of the present month, I had the honor of addressing a letter to you, wherein I declined a meeting of the Commissioners on the 28th of April next as proposed, for the want of time to make the necessary arrangements, as I had not heard from you, but your last communication has obviated all difficulty, I hope.

I have, &c.

N. ALEXANDER.

His Exc'y JARED IRWIN, Governor of Georgia.

Boundary between North Carolina and Georgia.

JULY 25, 1807.

We, the undersigned, a majority of the Commissioners appointed to ascertain the thirty-fifth degree of north latitude, and on that parallel to run and plainly mark the boundary line between the States of Georgia and North Carolina, respectfully report:

That, in pursuance of the power and authority in us vested, we proceeded to Buncombe courthouse, in the State of North Carolina, and there, on the 15th day of June, (as previously agreed on,) we were met by Generals John Steele, John Moore, and James Willborn, accompanied by their artist, the Reverend Joseph Caldwell. The day after our meeting a board was formed, and the business of our mission was entered into, after exchanging and re-exchanging credentials, and being satisfied that the powers given to the Commissioners by each State were sufficiently ample. It was then proposed by the Commissioners, on the part of North Carolina, that some previous arrangements ought to take place relative to the claimants, under patents from the State of North Carolina, so far as they covered land which might be found to be within the limits of the State of Georgia, on our ascertaining the line; and that, so far as the Commissioners were competent, an amnesty for all disorders and offences (under the degree of capital) heretofore committed within the county of Walton should be agreed on. On these subjects it was thought expedient to reduce to writing the sense of the Commissioners, which was accordingly done in the form of articles, which is herewith transmitted, and distinguished by No. 1.

It will be perceived, by the tenor of this instrument, that the Commissioners on the part of North Carolina, entertained no manner of doubt but that the line of demarcation between the two States would be found in the neighborhood of the place where preceding astronomical observations had fixed it. It was then proposed and agreed to, that the Commissioners should forthwith proceed to the house of a Mr. Justice, living on the route from Ashville to the Blue ridge, and about three miles from that part of the ridge where the Kentucky road from South Carolina crosses the same.

On our arrival at this place, an artificial horizon was prepared, under the direction and superintendence of Mr. Meigs, on the part of Georgia, and Mr. Caldwell, on the part of North Carolina. The result of their observations, as reported to the Commissioners, will be found on the journal herewith transmitted, marked with the letter A. Taking the mean difference it is found that Justice's is on latitude, north $35^{\circ} 22' 32'' 20'''$. We take leave to state, that when the report of this first observation made at Justice's, was received, our astonishment and disappointment were great in the extreme. We who had been taught to believe, from preceding calculations, and those made under the authority of our Government, and by a person whose public station obliged us to believe that a scientific fault could not be at-

tributed to him, had the most abundant reason to be astonished and mortified at the result of this first attempt, which made a difference, and varied from the preceding observations, twenty miles or upward. The case was the more perplexing and unaccountable, when we reflected that all the observations, both by the Surveyor General of this State, and the present artists, were made by the same kind of instruments, and such as have become proverbial for their verity and accuracy. We were, however, accompanied by an artist appointed by the Government, whose talents and integrity we had no reason to doubt, and of course were under the necessity of suspending our astonishment, and proceeding on the duty assigned us. After his observation was made, and reported, which was on Sunday, the 21st day of June, making the mean difference, as above stated, we proceeded about fifteen miles west to a Mr. Lane's, near the mouths of Davidson's and Little rivers, where Mr. Sturges ascertained the thirty-fifth degree of north latitude to be. At this place, on the 22d June, great pains were taken to construct an artificial horizon, with which each of the astronomers expressed themselves satisfied. On taking the latitude of this place, the report stands thus:

North Carolina	-	-	-	-	35	17	6	93
Georgia	-	-	-	-	35	18	10	22

After finding, from the foregoing observation, that we were upward of seventeen minutes north of the desired point, we agreed to proceed to Cæsar's head, a place on the Blue ridge, about twelve horizontal miles directly south, and in the vicinity of Dowthet's Gap. It was stated by those persons present, who were said to be best informed, that this was the most southern point to be found on the Blue ridge within the present boundary line, and that here a natural and smooth horizon might be commanded, which situation was stated by the attendant astronomers to be all important. On our arrival at this place, within one hundred yards of the summit of the Blue ridge, the astronomers, after having viewed the heights, verbally stated that an artificial horizon was again to be resorted to, alleging that the view of the natural horizon from the mountain was too distant and remote to be depended on: whether this was a sound reason for abandoning a natural, and resorting to an artificial horizon, we leave to others better skilled in this important science than ourselves to determine. We can now only say, what we then said, that the reason offered for relinquishing a natural horizon, and embracing an artificial one, did not appear to us satisfactory. An artificial horizon was then constructed in view of our camp; on the 24th of June observations were taken and produced the following result:

Georgia	-	-	-	-	35	11	1	0
North Carolina	-	-	-	-	35	9	15	21

On the 26th June (the 25th being cloudy) the observations were:

Boundary between North Carolina and Georgia.

	°	'	"	"
Georgia - - - -	35	6	20	24
North Carolina - - - -	35	7	21	11
And, on the 28th June, which was the last observation:				
Georgia makes the latitude - - -	35	02	57	56
North Carolina - - - -	35	04	54	04

This last observation (on the 28th) was made under very unfavorable circumstances, as the clouds obscured the sun about the time he was on the meridian, in such a degree that only an imperfect glimpse could be obtained.

The Commissioners on the part of each State believing, from the observations made and reported by the attendant artists, that the thirty-fifth degree of north latitude could not be found on the summit or to the north of the most southern point of the Blue ridge, agreed to and signed certain articles of agreement, which are called articles supplementary to those entered into at Ashville, to which we beg leave to refer.

The reports of the astronomers, on the part of each State, are herewith transmitted.

Mr. Secretary Robinson is in the possession of the journal of our proceedings, from the time of our meeting at Greenville until the close of our mission, together with a statement of expenditures, and the necessary vouchers, all which he is directed to lay before your Excellency on his return to the seat of Government.

We have the honor to be, &c.

THOMAS P. CARNES,
WILLIAM BARNETT.

His Exc'y JARED IRWIN, *Governor of Georgia.*

The Commissioners, on the part of the States of Georgia and North Carolina, having freely exchanged ideas on the subject of their mission, and believing that every measure ought to be pursued which would bear the stamp of conciliation and good will, have agreed to the following articles:

ARTICLE 1. It is mutually agreed and admitted that the territories of the said States of Georgia and North Carolina, as far as they adjoin each other, are, and of right ought to be, separated and bounded by the thirty-fifth degree of north latitude, and for the purpose of preventing in future all manner of dissensions concerning jurisdiction, the underwritten Commissioners will proceed forthwith to ascertain the said thirty-fifth degree of north latitude, and to run and mark the line accordingly; which line, when ascertained and completed with joint concurrence, shall forever after be regarded as the line of separation and boundary between the two States.

ART. 2. The Commissioners on the part of Georgia do not consider their powers competent to enter into any stipulations which would bind the government of the said State to confirm entries or grants for land heretofore made or obtained under the authority of the State of North Carolina, which land, on the running of the line, may be found to be within the State of Georgia; but impressed with the justice of a certain pro-

portion of the said claims, and the peculiar circumstances which entitle them to consideration, the said Commissioners promise and agree to recommend them in a special manner to the liberality of their government, not doubting but that the Legislature thereof will by law provide for the confirmation and establishment of the said titles in a manner which will afford a satisfactory and adequate relief; and to this end the said Commissioners will recommend the establishment of an impartial tribunal for the special purpose of inquiring into, and ascertaining the various descriptions of such claims, and of determining on each, according to their respective merits, and as reason and equity may require, which tribunal, the said Commissioners will also recommend, to be composed of three persons, to be appointed and paid by each State; but they shall convene and hold their meetings in the State of Georgia, and their decisions shall be conclusive.

ART. 3. There having been great dissensions between the people resident in the neighboring counties of Buncombe and Walton, and the said dissensions having produced many riots, routs, affrays, assaults, batteries, trespasses, woundings, and imprisonments, as well on one side as on the other, and it being of primary importance that peace and tranquillity should be restored, and all animosity and ill-will forever buried between people who, from their local situations, will, in all probability, be constrained to continue in the vicinity of each other; and as the several outrages committed on both sides proceeded more (as the undersigned are impressed) from a mistaken zeal to support the Government to which they thought themselves constitutionally bound, than from a wish to injure their neighbors, or disturb the public peace, the undersigned agree to recommend, in the most earnest manner, to the Legislatures of their respective States to pass laws of amnesty, forgiveness, and oblivion, for all such offences (under the degree of capital) as may have been committed within the said counties of Buncombe and Walton, respectively, subsequent to the 10th day of December, in the year 1803, and which shall have arisen from, and had relation to, the disputes which existed concerning the jurisdiction of the two States.

In testimony whereof, we have hereunto set our hands and affixed our seals, as Commissioners of our respective States, at Buncombe court-house, in the State of North Carolina, the 18th day of June, in the year 1807.

JOHN STEELE,	[L. s.]
THOMAS P. CARNES,	[L. s.]
JOHN MOORE,	[L. s.]
WM. BARNETT,	[L. s.]
JAMES WILLBORN.	[L. s.]

Signed, sealed, and interchangeably delivered, by the Commissioners of the two States, in presence of us, who have hereunto subscribed as witnesses.

Witnesses: James Call, Wm. Robertson, Joseph Caldwell, J. Meigs.

Boundary between North Carolina and Georgia.

The Commissioners of the States of Georgia and North Carolina having discovered, by repeated astronomical observations made on the Blue ridge and elsewhere, that the thirty-fifth degree of north latitude is not to be found on any part of the said ridge of mountains, east of the line, established by the General Government, as the temporary boundary between the white people and the Indians, and having no authority to proceed over that boundary for the purpose of ascertaining the said thirty-fifth degree of north latitude, and of running and marking the line accordingly: and being desirous that all causes of collision or irritation between the jurisdictions and people of the two States, may be effectually and completely prevented, have agreed to the following articles in addition and supplementary to the convention agreed to at Buncombe courthouse, on the 18th day of the present month, viz:

ART. 1. The Commissioners of Georgia, for and on the part of their State, acknowledge and admit, which acknowledgment and admission are founded on the aforesaid astronomical observations, that the State of Georgia hath no claim to the soil or jurisdiction of any part of the territory northwest of the ridge of mountains which divides the eastern from the western waters, commonly called the Blue ridge, and east or south of the present temporary boundary line between the white people and the Indians.

And that they will, consequently, recommend to the Legislature of the State of Georgia to repeal, at their next ensuing session, the act to establish the county of Walton, and to abrogate and to annul all Executive, Ministerial, or other proceedings for the organization thereof.

ART. 2. The Commissioners, on the part of the State of North Carolina, promise and agree to recommend to their Government, and particularly to the magistrates, sheriffs, and other officers, civil and military, in the county of Buncombe, to execute the laws concerning forfeitures and penalties, and in every other respect where the State may be concerned, (under the degree of felony,) upon and towards the people who have adhered to the State of Georgia in the late dissensions concerning jurisdictions, with mildness and clemency, and if the said officers can do it consistently with their obligations of official duty, that they forbear to institute suits, and to distrain or execute for forfeitures and penalties incurred as aforesaid, between the 10th day of December, in the year 1803, and the date of this agreement, until the sense of the Legislature shall be had and known thereon.

In testimony whereof, we have hereunto set our hands and affixed our seals, as Commissioners of our respective States, near Dowthet's Gap, on the summit of the Blue ridge, the twenty-seventh day of June, in the year one thousand eight hundred and seven.

JOHN STEELE,
T. P. CARNES,
JOHN MOORE,
WILLIAM BARNETT,
JAMES WILLBORN.

Signed, sealed, and interchangeably delivered, by the Commissioners of the two States, in presence of us, who have subscribed hereunto as witnesses.

Witnesses:

J. MEIGS,
JOSEPH CALDWELL,
WM. ROBERTSON,
AMOS JUSTICE.

A.

At Mr. JUSTICE's,
Saturday, June 20, 1807.

We have had but one satisfactory observation, which we made this day. The result of an average or mean, is, that we are in the latitude of thirty-five degrees, twenty-two minutes, thirty-two seconds and twenty thirds, north, viz: 35° 22' 32" 20'''

We are confident that it will be advisable for the Commissioners to proceed to a station further southward, that we may be able to perform with satisfaction to ourselves the duty assigned to us.

J. MEIGS,
J. CALDWELL.

To the COMMISSIONERS, &c.

At Mr. LANE's,
Monday, June 22, 1807.

GENTLEMEN: We agree that the circumstances attending our astronomical observation this day have been as favorable as we have a right to expect in any case where the principles of Hadley's quadrant, or the sextant, constitute the first object, and we find the latitude to be thus: viz:

The astronomer, on the part of North Carolina, makes the latitude to be thirty-five degrees, seventeen minutes, six seconds, and ninety-three thirds. And the astronomer, on the part of Georgia, makes the latitude thirty-five degrees, eighteen minutes, ten seconds, and twenty-two thirds.

North Carolina	-	-	-	-	35	17	6	93
Georgia	-	-	-	-	35	18	10	22

All which is respectfully submitted.

J. MEIGS,
J. CALDWELL.

To the COMMISSIONERS, &c.

NEAR DOWTHET'S GAP, BLUE RIDGE,
June 24, 1807.

GENTLEMEN: The circumstances attending our astronomical observation this day have not been so favorable as we wished; however, we had a glimpse of the sun at or very near his meridian altitude.

The result is as follows, viz:

Georgia gives the latitude to be thirty-five degrees, eleven minutes, and one second north.

North Carolina gives the latitude thirty-five degrees, nine minutes, fifteen seconds, and twenty-one thirds, viz:

Boundary between North Carolina and Georgia.

	°	'	"	'''
Georgia - - - -	35	11	1	0
North Carolina - - - -	35	9	15	21

All which is respectfully submitted.

J. CALDWELL,
J. MEIGS.

To the COMMISSIONERS, &c.

NEAR DOWTHET'S GAP, *June 26, 1807.*

GENTLEMEN: We had but a momentary view of the sun when on the meridian yesterday, as the result of which we state the latitude to be thus, viz:

Georgia makes it thirty-five degrees, six minutes, twenty seconds, and twenty-four thirds.

North Carolina makes it thirty five degrees, seven minutes, twenty-one seconds, and eleven thirds.

	°	'	"	'''
Georgia - - - -	35	6	20	24
North Carolina - - - -	35	7	21	11

All which is respectfully submitted.

J. MEIGS,
J. CALDWELL.

To the COMMISSIONERS, &c.

DOWTHET'S GAP, *June 28, 1807.*

To the Commissioners of North Carolina and Georgia, for ascertaining the boundary line between the two States. The artists acting for them report:

That, by observation made this day, which each pronounce to be exceedingly uncertain, on account of cloudy weather, the artist, on the part of Georgia, has found the latitude of this place to be thirty-five degrees, two minutes, fifty-seven seconds, and fifty-six thirds; and the artist, on the part of North Carolina, has found the latitude to be thirty-five degrees, four minutes, fifty-four seconds, and four-thirds.

	°	'	"	'''
Georgia - - - -	35	2	57	56
North Carolina - - - -	35	4	54	4

All which is respectfully submitted.

J. MEIGS,
J. CALDWELL.

EXECUTIVE DEPARTMENT,
Milledgeville, Dec. 28, 1808.

SIR: The Legislature of this State, at their last session, passed a resolution requesting me to write your Excellency, and to urge the necessity of your appointing Commissioners to meet those appointed last Winter, on the part of this State, to ascertain the thirty-fifth degree of north latitude, and to mark the dividing line between the two States.

Permit me to request your Excellency's attention to this business as early as possible.

I have the honor to be, sir, your Excellency's most obedient servant,

JARED IRWIN.

His Exc'y the GOVERNOR of *N. Carolina.*

NORTH CAROLINA,
Raleigh, March 21, 1809.

SIR: I am sorry a temporary absence from this place has prevented my answering sooner your favor of the 28th of December last.

It would afford me real gratification to contribute to the friendly adjustment of those differences on the subject of boundary, which have for some time unhappily subsisted between the two States.

As intimated by my predecessor, Governor Williams, in his letter of the 10th of July last, in answer to yours of the 17th of March, and 9th of June, 1808, your letters, with the resolutions of the State of Georgia, sent with the first, were, by him, laid before our Legislature at their late session, who resolved to concur in the report of a committee thereon, of which I send you a copy, enclosed, as also copies of two acts passed at the session preceding upon the same subject. From them you will perceive that the Legislature of this State consider the subject of difference as solemnly adjusted. Indeed, it does not readily occur on what basis the adjustment is to rest, if not upon that where it now stands.

The plighted faith of the two States to abide by the determination of Commissioners, mutually chosen for the purpose of making the adjustment, and the adjustment of those Commissioners actually made, I cannot, therefore, consistently with my sense of duty, make the appointments urged in your letter of December last.

I have the honor to be &c.

DAVID STONE.

His Exc'y the GOVERNOR of *Georgia.*

EXECUTIVE DEPARTMENT, GEORGIA,
MILLEDGEVILLE, March 16, 1809.

SIR: I wrote you on the 28th of December last, requesting your Excellency to inform me whether you intended to send Commissioners on the part of North Carolina, to meet those appointed on the part of this State, to ascertain the thirty-fifth degree of north latitude, and to mark the dividing line between the two States, to which I have not been favored with an answer. Permit me again to urge the necessity of having the line permanently fixed. The unhappy situation of the inhabitants of that tract of country, called Walton county, calls aloud for an adjustment of the existing difference between the two States relative to boundary.

I have the honor to be, &c.

JARED IRWIN.

His Exc'y the GOVERNOR of *North Carolina.*

STATE OF NORTH CAROLINA,
RALEIGH, April 19, 1809.

SIR: your Excellency's letter of the 28th of December last was answered on the 21st of last month, and I regret very much it had not been in my power to pay earlier attention to the subject; presuming that my answer abovementioned has been received, I shall at present beg leave to

Boundary between North Carolina and Georgia.

refer to that as an answer, also to your favor of the 16th of March.

I have the honor to be, &c.

DAVID STONE.

His Exc'y the GOVERNOR of Georgia.

Whereas the States of Georgia and North Carolina, by their respective Commissioners duly authorized for that purpose, did, on the 18th day of June, in the year of our Lord one thousand eight hundred and seven, at Buncombe court-house, enter into articles of conventional agreement, as follows:

ART. 1. It is mutually agreed and admitted, that the territories of the said States of Georgia and North Carolina, as far as they adjoin each other, are and of right ought to be separated, and bounded by the thirty-fifth degree of north latitude; and, for the purpose of preventing in future all manner of dissensions concerning jurisdiction, the underwritten Commissioners will proceed forthwith to ascertain the said thirty-fifth degree of north latitude, and to run and mark the line accordingly; which line, when ascertained and completed with joint concurrence, shall forever after be regarded as the line of separation and boundary between the two States.

ART. 2. The Commissioners, on the part of Georgia, do not consider their powers competent to enter into any stipulations which would bind the Government of the said States to confirm entries or grants for land heretofore made or obtained under the authority of the State of North Carolina, which land, on the running of the line, may be found to be within the State of Georgia; but, impressed with the justice of a certain proportion of the said claims, and the peculiar circumstances which entitle them to consideration, the said Commissioners promise and agree to recommend them in a special manner to the liberality of the Government, not doubting but that the Legislature thereof will, by law, provide for the confirmation and establishment of the said titles in a manner which will afford a satisfactory and adequate relief; and to this end the said Commissioners will recommend the establishment of an impartial tribunal for the special purpose of inquiring into, and ascertaining the various descriptions of such claims, and of determining on each, according to their respective merits, and as reason and equity may require; which tribunal the said Commissioners will also recommend to be composed of three persons, to be appointed and paid by each State; but they shall convene and hold their meetings in the State of Georgia, and their decisions shall be conclusive.

ART. 3. There having been great dissensions between the people resident in the neighboring counties of Buncombe and Walton, and the said dissensions having produced many riots, routs, affrays, assaults, batteries, trespasses, wounding, and imprisonments, as well on the one side as on the other, and it being of primary importance that peace and tranquillity should be restored, and all animosity and ill-will forever buried be-

tween the people who, from their local situation, will, in all probability, be constrained to continue in the vicinity of each other; and, as the several outrages committed on both sides proceeded more (as the undersigned are impressed) from a mistaken zeal to support the Government to which they thought themselves constitutionally bound, than from a wish to injure their neighbors or disturb the public peace, the undersigned agree to recommend, in the most earnest manner, to the Legislatures of their respective States to pass laws of amnesty, forgiveness, and oblivion for all such offences (under the degree of capital) as may have been committed within the said counties of Buncombe and Walton, respectively, subsequent to the 10th day of December, 1803, and which shall have arisen from and had relation to the disputes which existed concerning the jurisdiction of the two States.

And whereas, the said Commissioners, with like authority, did, on the 27th day of June, in the year aforesaid, at Dowthet's Gap, enter into articles in addition and supplementary to the convention agreed on between the Commissioners of Georgia and North Carolina at Buncombe court-house, on the 18th day of June, in the year aforesaid, which articles are as follows:

The Commissioners of the States of Georgia and North Carolina having discovered, by repeated astronomical observations made on the Blue ridge, and elsewhere, that the thirty-fifth degree of north latitude is not to be found on any part of said ridge of mountains, east of the line established by the General Government as the temporary boundary between the white people and the Indians; and, having no authority to proceed over that boundary for the purpose of ascertaining the said thirty-fifth degree of north latitude, and of running and striking the line accordingly: and being desirous that all causes of collision and irritation between the jurisdictions and people of the two States may be eventually and completely prevented, have agreed to the following articles in addition and supplementary to the convention agreed to at Buncombe court-house on the 18th day of the present month, viz:

ART. 1. The Commissioners of Georgia, for and on the part of their State, acknowledge and admit, which acknowledgement and admission are founded on the aforesaid astronomical observations, that the State of Georgia hath no claim to the soil or jurisdiction of any part of the territory north or west of the ridge of mountains which divides the Eastern from the Western waters, commonly called the Blue ridge, and east or south of the present temporary boundary line between the white people and the Indians; and that they will consequently recommend to the Legislature of the State of Georgia to repeal, at their next ensuing session, the act to establish the county of Walton, and to abrogate and annul all Executive and ministerial or other proceedings for the organization thereof.

ART. 2. The Commissioners, on the part of the State of North Carolina, promise and agree to recommend to their Government, and particularly

Brigadier General James Wilkinson.

to the magistrates, sheriffs, and other officers, civil and military, in the county of Buncombe, to execute the laws concerning forfeitures and penalties; and in any other respect, where the State may be concerned, (under the degree of felony,) upon and towards the people who have adhered to the State of Georgia in the late dissensions concerning jurisdictions, with mildness and clemency; and if the said officers can do it consistently with their obligations of official duty, that they forbear to institute suits, and to distrain or execute for forfeitures and penalties incurred as aforesaid, between the 10th day of December, in the year 1803 and the date of this agreement, until the sense of the Legislature shall be had, and known thereon.

In order, therefore, that said conventional agreement and the articles additional and supplementary thereto, may be carried into full and complete effect,

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the said conventional agreement, and the articles in addition and supplementary thereto, and all and every article and clause thereof be, and the same are hereby fully ratified and confirmed.

Read three times, and ratified in General Assembly, the 17th day of December, A. D. 1807.

JOSEPH RIDDICK, S. S.

JOSHUA G. WRIGHT, S. H. C.

STATE OF NORTH CAROLINA,

SECRETARY'S OFFICE, March 22, 1809.

This certifies that the foregoing is a true copy, taken from the original in this office. Given under my hand at Raleigh, the date aforesaid,

W. M. WHITE, Secretary.

An Act to pardon certain offences committed in that part of Buncombe county formerly claimed by the State of Georgia.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That all crimes and misdemeanors, the punishment whereof is not by law capital, which have been committed between the 10th day of December, in the year of our Lord, one thousand eight hundred and three, and the 27th of June last past, within that part of the county of Buncombe, which was formerly claimed by the State of Georgia, and called the county of Walton, be and the same are hereby pardoned, released, and put into total oblivion.

And be it further enacted, That this act shall be in force from and after the passage of an act by the Legislature of the State of Georgia, ratifying and confirming the conventions entered into by and between the Commissioners on the part of that State, and the Commissioners on the part of this State, on the 18th day of June and the 27th day of June, A. D. 1807.

Read three times, and ratified in General Assembly, the 18th day of December, A. D. 1807.

JOSEPH RIDDICK, S. S.

JOSHUA G. WRIGHT, S. H. C.

STATE OF NORTH CAROLINA,

SECRETARY'S OFFICE, March 22, 1809.

This certifies that the above is a true copy, taken from the original in this office. Given under my hand at Raleigh, the date aforesaid,

W. M. WHITE, Secretary.

STATE OF NORTH CAROLINA,

In the Senate, Dec. 7, 1808.

Mr. SMITH delivered in the following report, to wit:

The Committee on the Governor's message, taking into consideration that part thereof respecting the boundary between this State and Georgia, report: That they do not perceive the necessity or propriety of this State taking any further measures at present respecting a dispute which they consider settled, in a solemn convention signed on the 18th of June, 1807, at Buncombe courthouse, by the Commissioners of Georgia and North Carolina duly authorized on the part of each State, and by certain articles entered into, agreed upon, and signed by said Commissioners on the 27th of June, in the same year, at Dowthet's Gap. Submitted.

BENJAMIN SMITH, Ch.

The foregoing report being read:

Resolved, That this House do concur therewith.

By order:

J. RIDDICK, S. S.

M. STOKES, Clerk.

IN THE HOUSE OF COMMONS, Dec. 8, 1808.

The foregoing report being read:

Resolved, That this House do concur therewith.

By order:

JOSHUA G. WRIGHT, S. H. C.

P. HENDERSON, Clerk, H. C.

STATE OF NORTH CAROLINA,

Secretary's Office, March 22, 1809.

This certifies that the foregoing is a true copy, taken from the Journals of the General Assembly of this State.

W. M. WHITE, Secretary.

BRIGADIER GENERAL JAMES WILKINSON.

[Communicated to the House, May 1, 1810.]

Mr. BUTLER, from the committee to whom was referred the resolution of the 4th instant, directing an inquiry into the conduct of Brigadier General James Wilkinson, in relation to his having at any time, whilst in the service of the United States, corruptly received money from the Government of Spain, or its agents; or in relation to his having, during the time aforesaid, been an accomplice, or in any way concerned with the agents of any foreign Power, or with Aaron Burr, in a project against the dominions of the King of Spain, or to dismember these United States; and to inquire generally into the conduct of the said James Wilkinson, as Brigadier General of the Army of the United States, made the following report:

That they have had under consideration these several subjects of inquiry, and have investigated them to the utmost of their power, since the time

Brigadier General James Wilkinson.

of their appointment, but from the limited period in which they have acted, and from the extensive and complicated nature of the subjects, they are under the necessity of stating, that they have not been able to make a thorough and conclusive investigation of the objects of their inquiry.

Such testimony, however, as they have been able to procure, they beg leave to submit as part of their report, and which may be referred to under the following heads and order :

In relation to the first object of inquiry, to wit : the receipt of money by General Wilkinson from the Spanish Government or its agents, refer to the

Deposition of John Ballinger, No. 5.

Letter from Evan Jones, No. 6.

Depositions of F. Langlois, dated the 29th of December, 1808, containing two original letters to himself from the Baron de Carondelet, dated the 28th of January and 28th of June, No. 7.

General Wilkinson's letter to John Adair, dated August 7, 1795, No. 13.

Deposition of Dominique Bouligny, No. 8.

Deposition of Thomas Power, No. 9.

Deposition of William Miller, No. 11.

Letter from Joseph Collins, marked A.

Thomas Portell's certified copy, in his own handwriting, of the Baron de Carondelet's instructions to him, dated January 20, 1796, with translation thereof from the Spanish, No. 14.

Correspondence between Thomas Power and Don Thomas Portell, Nos. 15 and 16.

Deposition of Thomas Power, No. 17.

Deposition of Andrew Ellicott, No. 19.

Thomas Power's letter to the Baron de Carondelet, No. 20.

Thomas Power's letter to Governor Gayoso, No. 21.

Thomas Power's letter to the Baron Carondelet, No. 22.

Thomas Power's letter to Governor Gayoso, No. 23.

Elisha Winter's deposition, marked W.

Deposition of James M. Bradford, No. 25.

Deposition of Isaac Briggs, marked I. B.

In relation to the second object of inquiry, to wit : the connexion of General Wilkinson with the agents of Spain in a project to dismember the United States, refer to the

Deposition of Thomas Power, No. 34.

A certified copy of a letter from General James Wilkinson to Governor Gayoso, in the handwriting of Governor Gayoso, dated September 22, 1796, marked G. Y.

General Wilkinson's secret instructions to Thomas Power, in the handwriting of Philip Noland, No. 35.

Thomas Power's letter to the Baron de Carondelet, No. 36.

Baron de Carondelet's letter to Thomas Power, No. 37.

Baron de Carondelet's letter to Thomas Power, No. 38.

Thomas Power's letter to the Baron de Carondelet, No. 40.

General Wilkinson's letter to Thomas Power, No. 42.

Thomas Power's letter to Governor Gayoso, No. 43.

General Wilkinson's letter to Thomas Power, No. 70.

Baron de Carondelet's letter to Thomas Power, No. 44.

Daniel Clarke's deposition, No. 45.

In relation to the third object of inquiry, to wit : General Wilkinson's connexion with Aaron Burr, refer to the

Deposition of Daniel Clarke, before referred to, No. 45.

General Wilkinson's letter to John Adair, No. 78.

Evidence of General Wilkinson, as communicated to Congress, 23d November, 1807. [See "Annals of Congress," 1st sess. 10th Cong. pages 387, 512.]

Evidence of General Wilkinson, President's Message. [See "Annals," 1st sess. 10th Cong. p. 512.]

Letter from General Wilkinson, to Daniel Clarke, June 9, 1805, marked X.

President's Message to Congress, 22d January. 1807. [See "Annals," 2d sess. 9th Cong. p. 32.]

Wilkinson's letter to Colonel McKee, President's Message to Congress. [See "Annals," 1st sess. 10th Cong. p. 643.]

Mr. Tazewell's evidence, President's Message to Congress. [See "Annals," 1st sess. 10th Cong. p. 627.]

Letter in cipher from Burr to Wilkinson, dated 29th July, as deciphered by a member of the grand jury at Richmond. [See "Annals," 2d sess. 9th Cong.—Appendix, p. 1011.]

General Jonathan Dayton's letters to Wilkinson in cipher, President's Message. [See "Annals," 1st sess. 10th Cong. p. 560.]

Wilkinson's deposition, No. 81, as communicated to Congress. [See "Annals," 2d sess. 9th Cong. p. 1008.]

Extract of Wilkinson's letter to the President, not by Smith, dated 21st October, 1806, President's Message. [See "Annals," 1st sess. 10th Cong. p. 538.]

In relation to the fourth object of inquiry, to wit : the conduct of General Wilkinson, as Brigadier General of the Army of the United States, refer to the

Deposition of William Simmons, Esq., letter S.

Deposition of Captain George Peter, letter P.

Deposition of Captain William E. Williams, letter W.

Deposition of John Smith, letter H.

Letter from William Simmons, Esq., enclosing extracts, A, B, C, D.

Letter from General Wilkinson to Daniel Clark, No. 71.

The committee think proper, also, to submit the following papers relating to tobacco, and other commercial transactions in which General Wilkinson was concerned, from the month of — in the year 1788, to the month of — in the year 1790, to wit :

General Wilkinson's account current with Clark & Rees, in the handwriting of Philip Noland, dated the 8th of August, 1788, No. 27.

Philip Noland's account of sales of tobacco, dated September 21, 1790, No. 29.

Wilkinson's account current with Clark & Rees, dated May 1, 1789, contained in the account book, page 30.

Wilkinson's letter to Clark & Rees, dated May 20, 1790, No. 30.

Wilkinson's letter to Clark & Rees, dated June 20, 1790, No. 31.

Wilkinson and Dunn's account current with Clark and Rees, dated August 29, 1789, and 5th September, 1789, with Wilkinson's order and Noland's receipt for balance, No. 32.

Philip Noland's declaration, dated September 10, 1790.

Wilkinson's accountable receipt, No. 4.

Articles of agreement between Wilkinson and Dunn, and Clark, senior.

Letter from General Wilkinson to Daniel Clark, relative to the Plain Tale, No. 2.

Brigadier General James Wilkinson.

In making the last preceding statement, the committee beg leave to remark that, from an examination of the sentence of the military court of inquiry, ordered at the request of General Wilkinson, and of which Colonel Burbeck was president, it appears that the tobacco transactions of General Wilkinson, at New Orleans, in 1789 and 1790, constituted a material part of that inquiry; and that a copy of an account current was laid before the said court by General Wilkinson, and designated by No. —, and several letters accompanying said account, supposed by the court to be in the handwriting of Philip Noland, the agent of General Wilkinson.

The committee, conceiving that the papers which had been collected by the said court, would aid them in their investigation, made application for those papers to the Secretary of War, but were unable to obtain them, they having been taken from the office by General Wilkinson, as appears from the deposition of John Smith, chief clerk in the War Office.

The committee then directed a subpoena to Gen. Wilkinson, requiring him to send or produce all the papers which had been used or collected by the said court. In obedience to which, General Wilkinson sent to the committee a packet of papers, which did not contain either the account and letters referred to in the sentence of the court, or the defence of General Wilkinson; nor have the committee been able to procure them, consequently have not had it in their power to compare the accounts herewith exhibited with those which were laid before the military court of inquiry; for the further elucidation, refer to Walter Jones's deposition, marked W. J. The committee also submit the deposition of Daniel W. Cox, authenticating the papers, to which it specially refers, marked D. W. C.

Papers relative to the first point of inquiry.

No. 5.—Deposition of John Ballinger.

Personally appeared before me, the undersigned, one of the justices of the peace for the parish of New Orleans, Mr. John Ballinger, now resident in Cape Girardeau, Territory of Louisiana, late a member of the Kentucky Legislature, who, being duly sworn on the Holy Evangelists of Almighty God, did depose and say:

That, in the forepart of the Winter of the year 1789, as well as he recollects, his brother Joseph Ballinger brought two mules loaded with money, from New Orleans to the State of Kentucky, for General James Wilkinson: that, from the fatigue of the journey and indisposition, his brother was unable to finish his journey, and got this deponent to conduct the said mules and money to General Wilkinson, at Frankfort, where he arrived on the 26th day of December, in the year aforesaid. The said money was in leather bags, and vry heavy loads; and this deponent further declares, that the General expressed much satisfaction at the receipt of the money, having been under some apprehensions on account of the delay which had taken place on the journey;

which said mules and money General Wilkinson receipted for, which receipt is among this deponent's papers; and further this deponent saith not.

JOHN BALLINGER.

Sworn and subscribed to at the city of New Orleans, this 12th day of January, 1809, before me.

SAM. W. EARLE, J. P.

No. 6.—Letter from Evan Jones to Daniel Clarke.

NEW ORLEANS, Feb. 16, 1809.

SIR: In answer to your letter of yesterday, I remember General Wilkinson's having stopped at my plantation in the Fall of 1789, (as I think,) when he was on his way to Kentucky, accompanied by Philip Nolan. As I live on the west side of the Mississippi, and the General went up on the east, he stopped at some plantation nearly opposite mine, and came over and spent a day or two with me.

In the course of our conversation, he told me that he had left a sum of money under the care of Nolan, whom he spoke of as a man of great strength; saying he could take \$2,000 with one hand from off a mule or horse, and carry them with the utmost ease into a house. I do not remember whether the General mentioned to me the amount he was taking up with him; but, to the best of my remembrance, he said he had two mules or horses for the purpose of carrying his money. This is all I can recollect of the transaction.

I am, sir, your most obedient servant,

EVAN JONES.

DANIEL CLARKE, Esq.

No. 7.

On the 29th day of December, in the year 1808, personally appeared before me, the undersigned, one of the justices of the peace for the county of Orleans, Monsieur François Langlois, a citizen of the United States, and resident of New Orleans, who, being duly sworn on the Holy Bible, did depose and say: That, in the year 1794, he was a lieutenant of militia, in the service of His Catholic Majesty, and commanded the galliot the *Fleche*, then on station at New Madrid, having under his orders the gunboat the *Taureau*, and bateau the *Prince of Austria*; that, while there, a Mr. Owens arrived from New Orleans, with a sum of money entrusted to him by the Baron de Carondelet, to be delivered to General Wilkinson, somewhere on the Ohio; and this deponent had directions from the said Baron de Carondelet to take measures, in concert with Don Thomas Portell, the commandant of New Madrid, and the aforesaid Owens, to have the sum entrusted to the charge of this latter conveyed in safety to its destination. In consequence thereof, this deponent, at a council held at New Madrid, by Portell, Owens, and himself, recommended that resident citizens of that place should be employed to accompany Owens; but his opinion was overruled by Portell and Owens, who thought it would be more economical, and consequently

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more agreeable to the Spanish Government, to have a boat's crew furnished from the galliot of this deponent, which he furnished. And, further, he deposes that the sum of \$6,000, which had been brought by Owens from New Orleans to New Madrid, and by him delivered to Don Thomas Portell, the commandant of the fort, was by Portell embarked on board the galliot of this deponent, to be conveyed to the mouth of the Ohio, at which place he furnished Owens with a patron named Pepello, and six of his oarsmen, and shipped in his canoe the beforementioned sum of \$6,000, to be delivered to General Wilkinson. And he declares that the sum was packed by himself in three small barrels; but, being apprehensive of some bad design on the part of Owens's crew, he took back the money into his galliot, and retained it twenty-four hours in his possession; when, at Owens's pressing solicitations, he redelivered it to him, who then departed with it; and some short time afterwards he learned that Owens had been murdered by his crew, and the money made away with by them. And further he, this deponent, declares that he afterwards arrested, and sent to New Orleans for trial, one Vexerano, one of Owens's crew, who was concerned in the murder of said Owens, and plunder of the money. He further deposes that, although it was agreed between the Spanish Government and Owens, to save appearances, that the money should appear to belong to said Owens, yet he knows it was sent by the Baron de Carondelet for the use of, and to be delivered to, General Wilkinson; and that, knowing the interest which the Spanish Government had in this transaction, he wrote an official account to the Baron de Carondelet of the part he had taken in it, and the advice he had given respecting the conveyance of the money safely to its destination; and, in reply the Baron regretted that his advice had not been followed in every particular. And the deponent further declares, that Owens had no other money than the \$6,000 abovementioned.

In testimony of which he has signed.

F. LANGLOIS.

D. BOULIGNY, J. P.

NOUVELLE ORLEANS,
Janvier 28, 1795.

J'ai appris, Monsieur, avec bien de la peine, par votre lettre du 13 de 9bre, la mort de Mr. Owens; ce malheur est un de ces événements que l'on ne sauroit prévoir, et que la Providence dispose à son gré, sans que tout la prudence humaine puisse l'éviter; je voudrois, et j'espère encore, que ce malheureux Vexerano sera arrêté, car cette action est trop infame pour qu'il puisse trouver un asyle.

Je compte que vous verrez Mr. Rousseau à la fin d'Avril, que vous vous incorporerez avec l'escadre, prenant le commandement d'une galère, avec laquelle vous descendrez ici à la fin de Juin; à moins que vous ne préféreriez de rester encore avec la même commission dans ces parages; il paroît que vous vous y êtes bien porté, ce qui

n'est pas peu de chose dans des endroits aussi fiévreux.

A présent que le fleuve sera haut, vous devez redoubler le soin pour ne laisser introduire personne, ni aucun papier par l'Ohio, tendant à troubler la province; on est étonné, en Europe de la tranquillité qui y règne, et ceux que j'en ai écarté au commencement de la guerre, ou qui en sont sorti pour leurs affaires, écrivent présentement qu'ils voudroient être encore à la Louisiane, et louent les soins que nous avons pris pour en écarter les esprits turbulens; de sorte que ces mêmes gens qui viuperoient autrefois nos dispositions, sont ceux qui les exaltent actuellement, et nous exhortent à les continuer.

Je recommande à Mr. Portell de bien traiter les François, Royalistes, Hollandois, Allemands, &c., qui se présenteront, et dont je vais former un bel établissement dans le Ouachita; je vous fais la même recommandation, mais vous ne leur laissez aucun papier, livres, ou manuscrits, ayant rapport aux affaires du temps.

J'ai l'honneur, avec la plus parfaite considération, monsieur, votre, très humble et très obéissant serviteur,

DE CARONDELET.

Monsieur LANGLOIS.

NOUVELLE ORLEANS,
Juin 28, 1795.

J'ai reçu, monsieur, vos lettres du 25 Fevrier, 14 Avril, et 15 Mai, par lesquelles vous me parlez de Mr. de Vilemont, comme d'un commissionné de la cour, ce qu'il vous aura sans doute fait entendre; mais il n'en étoit rien. Don Louis de Vilemont étoit porteur d'un passeport de la cour, qui lui permet de voyager pendant quatre ans, et rien de plus; mais quand même il se seroit trouvé chargé d'une commission, vous devez savoir qu'elle n'est valable qu'autant que comme commandant général de la province, j'aurois expédié mes ordres aux commandans particuliers de lui en permettre l'exercice, et qu'aucun commissionné ne peut agir sans m'avoir fait part auparavant de ses ordres. Puisque la chose est faite, il n'y faut plus penser, mais vous voyez combien Don Louis Vilemont étoit peu fondé dans ses discussions avec vous.

J'ai été enchanté de la prise que vous avez fait du scélérat Vexerano, à qui on a fait ici le procès, et qui sera probablement perdu: on prétend qu'il y en a un autre réfugié dans la province qui étoit du même complot.

Je viens de recevoir par Mr. Valé votre dernière lettre. Je tacherai d'arranger avec Mr. l'Intendant le défaut de formalité de vos feuilles, mais je crains bien que si Don Thomas Portell ne consent à les intervenir vous ne vous trouviez embarrassé; car un tribunal de *cuentas* de la Havane, on ne les passera pas sans intervention. Je ne comprends pas comment Mr. Portell ne vous a pas instruit à ce sujet.

J'ai l'honneur d'être, très parfaitement, monsieur, votre très humble et très obéissant serviteur,

DE CARONDELET.

Monsieur LANGLOIS.

Brigadier General James Wilkinson.

No. 13.—General Wilkinson to John Adair.

August 7, 1705.

MY FRIEND: I have this morning (now, I intended to say) received your favor by Mr. McDowell. He has ate with me, but will return twenty miles this evening, which obliges me to rise from cool Madeira to drop you a hasty line: it will be disordered, of course, for hurry produces confusion.

I send that which is handed about here—and to me by Judge Turner—as the bottom of another memorable treaty. From the mouth of Kentucky to the mouth of Ohio, we have a near neighborhood with our old friends. Will it be a good one, or will mutual aggressions soon throw open the temple of Janus once more? The Governor here, I am told, scouts this important production of our Solomon. It is my business to keep my peace, which, to a man of *mercury*, whose heart and tongue are in unison, is no easy thing. If my very damned and unparalleled crosses and misfortunes did not uncash me, I would be with you in flour. But as I have honor of \$6,590 received for me in New Orleans, \$1,740 only have reached my hand—this, independent of poor Owens's loss. The whole of this last sum is not lost, but it is not within my control, and will not be for six or nine months. I am sorry for old McAffod, for I think he was an honest man; but I am more sorry for his son, and if I can serve him respecting the property left behind, and you think him honorable, he may, on your recommendation, receive a letter to my friend. This is *entre nous*, because I have refused many.

I know that an emotion of friendship induced you to give me the mare, and when I am outdone in that commerce, may "perdition catch me;" yet I love the brute I must confess; if she runs she must run your property, or she will certainly break a leg or thigh—you understand me. I send you \$50 by Mr. McDowell. What was I to pay for her? We must not misunderstand one another; if I lend the nag to you, and any misfortune ensues, I shall not be pleased, nor will you be happy; but if she is essential to your pleasure or pastime, although no other man should have the honor to cross her, she is yours at what she cost me. I make a single reserve; if you can make a match, and let me in for a bet of £100 cash, I will divide the risk of her safety with you. Old Tony, it is currently said, will go to Philadelphia so soon as he finishes the dependencies of his treaty; this is *entre nous* also; if this should be true, you will hear from me; in the mean time pardon this scrawl, which I have not time to examine, and believe me to the bottom,

Your friend and obedient servant,

JAMES WILKINSON.

Colonel ADAIR.

No. 8.—Deposition of D. Bouligny.

On this 16th day of the month of January, in the year 1809, personally appeared before me, the undersigned, a justice of the peace for the city of New Orleans, Monsieur Dominique Bouligny,

formerly adjutant major of the regiment of Louisiana, in the service of His Catholic Majesty, and now a member of the Legislature of the Territory of Orleans, who, being duly sworn on the Holy Bible, did depose and say, that, in the year 1795, as well as he can remember, he exercised the functions of adjutant major in the regiment of Louisiana, and was commissioned by the Governor the Baron de Carondelet to conduct the trial of one Pepillo, who was accused of having been one of the authors of the death of Mr. Henry Owens, who had been assassinated in the Ohio on the American territory, and of the robbery of a sum of money, of which this Mr. Owens was the bearer to General Wilkinson, and which had been delivered to him by the Spanish Government; and he further declared, that it was public and well known among the officers under the Spanish Government, that General Wilkinson was a pensioner of the Spanish Government, and that the major part of the people in office believed that there was no reliance to be placed on the promises which the General made to the Government, because they could not persuade themselves that his influence could not induce the people of the Western States to separate from the American Confederation.

D. BOULIGNY.

Sworn to, and affirmed before me.

F. DUTILLET, J. P.

No. 9.—Mr. Power's deposition respecting the murder of Henry Owens.

Personally appeared before me, the undersigned, one of the justices of the peace in and for the city of Orleans, Mr. Thomas Power, who being duly sworn, doth depose: that, in the year 1794, Mr. Henry Owens arrived at New Madrid from New Orleans, with a sum of money to be delivered to General Wilkinson, as the deponent understands and believes, from the Spanish Government; that he left New Madrid in the royal galliot *Fleche*, commanded by Francis Langlois, accompanied by a King's pirogue; the galliot destined to the mouth of the Ohio, from whence the deponent understood Owens was to proceed up the Ohio in the pirogue. And this deponent further saith that, some time after the departure of the said Owens, one of the crew of the pirogue, in which he had embarked at the mouth of the Ohio, returned to New Madrid, and gave information that Owens had been robbed and murdered by the rest of the crew, who had proceeded up the Ohio with their booty. And this deponent saith that, some time in the year 1795, this deponent being at New Madrid, Lieutenant Aaron Gregg, of the American army, arrived there, accompanied by a Mr Charles Smith, and bearing a letter from Major Doyle, who then commanded at Fort Massac, to the commandant of New Madrid. The letter stated the following circumstances, which were confirmed both by Smith and Doyle to the deponent: that three of the murderers of Owens, after a variety of adventures, were confined, under General Wilkinson's orders,

Brigadier General James Wilkinson.

at Fort Washington; that by his directions they were put in irons, and placed on board a flat, under the direction of Mr. C. Smith, to be conveyed to New Madrid; that a letter was given to him from Wilkinson to the Commandant of Madrid, containing an order to pay \$500 on the delivery of the prisoners: that Smith was proceeding with them, and attempting to pass Fort Massac by night, was stopped by Major Doyle, who commanded there, who would not permit them to be sent out of the territory of the United States to be tried for a crime committed in it. The letter, after stating these circumstances, requested Captain Portell to send an interpreter to examine the prisoners, who spoke no English. Captain Portell requested the deponent to go on this service, which he undertook, and returned with Lieutenant Gregg, and Mr. Smith; the latter having presented his order for the \$500, the payment of which was refused, as the prisoners were not delivered. On this deponent's arrival he found three of the boat's crew who had gone up with Owens. On the first examination he confessed the fact of having murdered and robbed him; and they gave to the deponent a circumstantial detail of their adventures afterwards. A few days afterwards the deponent went to Louisville with Lieutenant Gregg and Mr. Smith, for the purpose of interpreting for the prisoners, who were there delivered to a justice of the peace, Captain Harrison, who transmitted them to another at Bairdstown, Captain Frye; but the men denying the fact before the justices, they were detained for further evidence. And this deponent saith, that he did not divulge to the justices the confessions made by the prisoners to him, because he knew it was the wish of the Spanish officers to have the men delivered to them, rather than tried in the territory of the United States; and that such wish arose from a fear of divulging the secret of Owens's mission on a public trial. And this deponent saith, that he left the prisoners at Bairdstown, and afterwards understood they had been sent to Frankfort, where they were afterwards discharged for want of evidence: and further this deponent saith not.

THOMAS POWER.

Sworn and subscribed before me, in New Orleans, the 18th March, 1809.

E. FITCH, *J. P.*

No. 11.—Miller's deposition about Collins.

Personally appeared before me, the undersigned, one of the justices of the peace for the city of New Orleans, Mr. William Miller, of the county of the Rapides, in the territory of Orleans, who, being duly sworn on the Holy Evangelists of Almighty God, did depose and say, that, some time shortly after the hurricane which happened in this country, in the month of August, of the year 1794, he chartered and fitted out, in company with Mr. Robert Cochran, of Natchez, a small vessel in the Bayou St. John, near this city, in which they both sailed for Pensacola and New Providence, and at that time he formed an ac-

quaintance with Mr. Joseph Collins, who, shortly before, arrived in this city with a Mr. Owens, from Ohio. The said Collins was occupied in fitting out a small vessel in the Bayou St. John, in which was shipped a sum of money, as Collins informed the deponent, amounting to upwards of six thousand dollars, which he, said Collins, had received from the Spanish Government, for account of General Wilkinson; and he also informed this deponent, that a sum of nearly equal amount had been delivered to Mr. Owens, for the same purpose, with which he returned by way of the river; and this deponent further declares, that this step occasioned, at the time, much surprise, as it was contrary to law to ship cash, and subject to seizure and confiscation when discovered; and this deponent further declares, that the said Joseph Collins set sail a short time before him, with the aforesaid money on board his vessel, as said Collins informed this deponent; and he afterwards learned that he had arrived there-with, in safety, at the port of Charleston.

WM. MILLER.

Juré par devant moi ce jour onzième du mois de Mars, mil huit cent neuf.

DU COURNAUX, *J. P.*

(A.)—Letter from Joseph Collins to Daniel Clarke, respecting the receipt of the money from Don Gilberto Leonard.

PASCAGOULA, *March 10, 1809.*

DEAR SIR: I returned yesterday from Mobile and Pensacola, and found your letter of the 19th of February last, requesting me to send you the date I received the money from Don Gilberto Leonard, in New Orleans; therefore, have had recourse to my journal round the Florida point. I find that we left Bayou St. John on the 22d of August, 1794, and must have received the \$6,334 about the 19th or 20th of August, the same month.

I am your very humble servant.

JOSEPH COLLINS.

Mr. DANIEL CLARKE.

No. 14.—Thomas Portell's certified copy of Baron Carondelet's instructions to him.

NEW ORLEANS, *Jan. 20, 1796.*

In the galley the Victoria, Bernardo Molini, patron, there have been sent to Don Vincent Folch, nine thousand six hundred and forty dollars, which sum, without making the least use of it, you will hold at my disposal, to deliver it at the moment that an order may be presented to you by the American General Don James Wilkinson.

God preserve you many years.

DE CARONDELET.

To Señor DON TOMAS PORTELL.

NEW MADRID, *June 27, 1796.*

I certify that the foregoing is a copy of its original, to which I refer.

THOMAS PORTELL.

Brigadier General James Wilkinson.

No. 15.—Translation of a letter from Thomas Power to Don Thomas Portell, Commandant of New Madrid, dated June 27, 1796, at New Madrid.

Having received verbal instructions from Mr. James Wilkinson the American General, to take charge of the money, which, by a letter, he received from the Secretary of the Government, Don Andres Armesto, under date 7th or 8th of March last, of which I was bearer, he has advice is deposited in this post, and being informed by the official letter which you have received on this business from the Governor General of the province, of which you will be pleased to furnish me a copy, that said money is not to be delivered without an express order from the said Mr. Wilkinson, I find myself forced to relate, circumstantially, some particulars to smooth and remove the difficulty which the want of a written order on the part of the aforesaid General Wilkinson presents. Although this relation may appear an abuse of the confidence with which the Governor General of the province, and the Governor of Natchez, and particularly General Wilkinson, have honored me, I am persuaded that the urgency of the case which offers will serve me as an excuse and justification. You are not ignorant of the fact that Don Manuel Gayoso de Lemos, being here in the month of September of the year last past, entrusted to me some despatches of the greatest importance for General Wilkinson, which I carried to Cincinnati, and I returned with the answers in the month of November. By order of the said Don Manuel Gayoso, I made immediately another journey in the Ohio, and I ascended it to Red Banks, in search of Mr. Sebastian, who came with me to the mouth of the Ohio, where we met with the Governor of Natchez. At the end of December I accompanied this gentleman to Natchez, and I went thence to New Orleans. The principal object of my going down was to take charge, by order of General Wilkinson, of the money which you now have in deposit for him, which is shown by the letters which he wrote to the Governors of this province and of Natchez; but, at my arrival, the money had been already sent off in one of His Majesty's galleys for this place, which I learned from the Baron de Carondelet, the Intendant, and Don Andres de Armesto. I repeatedly treated on this business with the two last of these persons, urging forcibly the necessity of sending sugar, coffee, and powder to New Madrid, to form a cargo to take to Kentucky with Wilkinson's money, hiding by this means the true intention of the voyage, and giving it the appearance of a commercial speculation. All this Wilkinson had before represented as indispensable, for many reasons, particularly, to avoid a misfortune similar to that which had already occurred. At last, the Secretary told me that the barge in which Mr. Aaron Gregg, the American officer, was to go up, was destined for this service, and that, as for the crew, he would permit me to choose among the Creoles, residents in this post, those who might appear to me most worthy of confidence; so that I left New Orleans

with the belief that, at my return to this post, I should find everything disposed conformable to what I have just related. On my arrival at Greenville, I informed General Wilkinson of the steps which I had no doubt had been taken, from whence has resulted that he, like myself, was impressed with the belief that all the measures for executing this service with success had been taken. I cannot communicate all the motives why Wilkinson has not given me an order in writing, but one of them was, that he did not know the sum of money which you had to deliver to his order, the Governors not having written a word to him on the subject, the Secretary only saying that his money was deposited in New Madrid, without expressing the sum. In the letters in cipher, from General Wilkinson, for the Governors, which are here enclosed, he tells them that he has sent me to bring the aforesaid money, informing you that the No. 1 is for the Governor General of the province, and the No. 2 for Don Manuel Gayoso. I will add that General Wilkinson, when I represented to him that on presenting myself without his order in writing, some difficulty might arise, authorized me, if the case required it, to write an order that you should deliver his money, specifying the sum there might be, signing it in his name, and giving you a receipt therefor. I cannot omit that the commission of General Wilkinson was so sudden, so urgent, that it was extended even to limiting my return to my destination by the first of August, of which I advise you, that you may endeavor not to delay the service. I believe that the Governor General is not ignorant of the embarrassments of General Wilkinson, nor can he be ignorant that for a long time past, he has been expecting this money, the delay of which has been the cause of much trouble to him, involving him in great difficulties; and I can assure you confidently, that he will be very much disgusted with any delays in the expedition, which might be productive of serious injury. As for the mode of carrying the money, it is evident that to take it openly would be too scandalous a thing, if I were not to say it would be madness. The unhappy result of the expedition of the unfortunate Henry Owens, ought to serve us a beacon, in order not to lose ourselves on the same rock, and to make us take another course, less dangerous. I would wish to put a bag of one thousand dollars in a barrel of coffee or sugar, so that, although the difference of the respective gravity between silver, sugar, and coffee, be very great, the quantity being so small it will not be easily known. It will likewise be prudent to carry some barrels without money, in order to sell them before arriving at Cincinnati, if it should so happen that any one should offer to buy these goods; because, not to sell them, when it might be done to advantage, would excite suspicion; and to complete the disguise, it would be well to take a certain quantity of powder and rum. If these dispositions should appear defective, I beg you to make such changes as may be to your mind. God preserve you many years.

THOMAS POWER.

Brigadier General James Wilkinson.

No. 16.—Translation of a letter from Don Thomas Portell to Mr. Thomas Power, dated

NEW MADRID, June 27, 1796.

Having well considered the contents of your letter of this day, I mention that I agree in every thing to the whole of the reflections you place before me, and, although at first sight it appears that I ought to await the decision of the Governor General, as he prescribes to me in his official letter of the 20th January of the present year, and of which I enclose you a copy, which you request of me, the circumstances which you expose are such, that they leave me nothing more to do than to tell you to forward me a memorandum of the number of pounds of coffee, sugar, barrels in which to fill the powder and rum you desire for your expedition; because, so soon as I receive it, I will get it ready as you desire, informing you that for the merchandise you must sign me an acknowledgment of having received it, and for the money, a receipt as the attorney of General Wilkinson.

In order that the barge may be ready, and as you may want it, I have written an official letter to the Lieutenant Colonel Don Vincente Folch, that he may send it as soon as possible; because, as was nothing was said to me of what you have now mentioned respecting it, Mr. Francis Langlois asked it of me, for an affair of service, and took it loaded with corn to the fort of San Fernando, and it has not been returned, although I have required it, thinking it might be wanted here; Don Vincente Folch having answered me, that if I had not orders to keep it, there were none to return it.

The two letters in cipher remain in my hands, which I shall forward by the first safe opportunity, with the distinction you point out, No. 1 to the Governor General, and No. 2 to the Governor of Natchez.

As for packing the money, and arranging the barrels, as soon as they are ready, between you and myself all this may be done without any one else acquiring a knowledge of it. God preserve you many years.

THOMAS PORTELL.

To Don THOMAS POWER.

No. 17.—Mr. Power's deposition respecting the payment of \$9,640 to General Wilkinson.

Personally appeared before me, the undersigned, one of the justices of the peace in and for the city of New Orleans, Mr. Thomas Power, who, being duly sworn, saith: That some time in the month of June, in the year of our Lord, 1796, he arrived at New Madrid, after having had several conferences with General Wilkinson, by order of the Baron de Carondelet, on the subject of a proposed separation of the Western country from the United States, under the protection, and by the aid, of Spain; that he was sent to New Madrid by General Wilkinson for the purpose of taking charge of a sum of money, which he had brought notice to the General was lying there for him, from the Baron de

Carondelet; that, on his first demanding the same in the name of General Wilkinson, Captain Portell, the commandant, refused to deliver it without a written order; and that, as he had none, he was obliged to write a letter to Captain Portell, entering into all the details which were necessary to show him, that he, this deponent, was acquainted with the object of sending the said money; that the said Portell wrote him an answer, agreeing to deliver him the sum of money in question for General Wilkinson, and, at the same time, sent him a copy of the order from the Baron de Carondelet, which accompanied the delivery of the money to him, Portell; that the said letter and answer are dated the 27th of June, 1796, and the said order from the Baron de Carondelet is dated the 26th of January, in the same year, and are the documents which have been laid before Congress by John Randolph and Daniel Clarke, Esquires. And this deponent saith that, by virtue of the arrangement made by the said letters, he received from Don Thomas Portell the sum of \$9,640, which he packed up in barrels of sugar and coffee, and was proceeding up the Ohio with the same, when he was stopped and searched by Lieutenant Steele; that, in consequence of this interruption, he landed his cargo at Louisville, and went on horseback to Cincinnati, where he met General Wilkinson, and informed him of the circumstances that had occurred, on which the General directed him to deliver the dollars to Philip Nolan, which the deponent did; that the said Nolan conveyed the barrels of sugar and coffee; in which the dollars were packed, to Frankfort, where the deponent saw them opened, in the store of Mr. Montgomery Brown; that the sum of \$9,000 was given by General Wilkinson's direction to Philip Nolan, and the remainder, \$640, was retained by the deponent, with the General's consent, for the purpose of paying expenses, but which he gave directions to secure for him from the Spanish Government, in the settlement of his account. And this deponent further saith, that he sold the sugar and the coffee, in which the dollars were packed, to Mr. Abijah Hunt, of Cincinnati. And this deponent further saith, that when he afterwards saw General Wilkinson, and informed him that he had delivered the money agreeably to his orders, he said it was well. And further this deponent saith not.

THOMAS POWER.

Sworn and subscribed before me, in New Orleans, the 18th of March, 1809.

E. FITCH.

Justice of the Peace.

Interrogatories for A. Ellicott.

GENERAL WASHINGTON.

1. Were General Washington's instructions to you to scrutinize my conduct, written or verbal?
2. In speaking of certain citizens of the United States, connecting themselves improperly with the Spanish Government, did General

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Washington state to you the grounds and nature of his suspicions, and the objects which such persons might have or had in view in such associations with the Spanish Government?

3. Do you recollect what other names besides General Wilkinson's were mentioned on that occasion by General Washington?

4. Did you feel yourself bound by that engagement to act as a spy on General Wilkinson's conduct; and in what manner did you fulfil it? Did you ever report General Wilkinson for any illegal act, or any illicit connexion?

5. Did General Washington, by word or manner, express to you any serious apprehension of dangerous consequences to the Union, from the disaffection mentioned to you?

6. When and where did you become acquainted with Philip Nolan?

7. What was his general character, and did he not render you services on your route down the Mississippi, to Natchez, as a commissioner of limits?

8. Was he not zealously attached to the United States, and do you not think he would have supported the interest of the United States at every hazard of life and property, against any power whatever?

9. Did you ever converse with him respecting General Wilkinson's connexion and intercourse with the Spanish Government of Louisiana? State everything concerning the same: whether the said Nolan did not explain to your satisfaction the nature of that intercourse to be commercial, and whether you have not expressed this circumstance to others?

10. Did not the said Nolan inform you that General Wilkinson had been playing a deceptive game with the Spaniards? and do you not know that a deceptive policy and fictitious appearances were necessary with the Spanish Government, to protect Nolan's political or commercial enterprises in Louisiana?

11. Did he ever communicate to you any plan he had projected, to save the district of Natchez, if it had been attacked by the Baron of Carondelet, by seizing that officer when on a reconnoitring party, and bearing him off to the people of the district?

12. Do you know Thomas Power, and what has been your opinion of his character?

13. Did he ever inform you that General Wilkinson held any illegal connexion with the Spanish Government?

14. Did he ever, by letter, attempt to prejudice you against General Wilkinson, and what was the effect?

15. From whom did you receive the minute information of Power's mission to the States of Kentucky and Tennessee, and the objects of that mission, and that he was instructed by the Baron of Carondelet not to return without seeing General Wilkinson?

16. Was Power apprized of your knowledge of his mission to Kentucky and Tennessee, and that he was to see General Wilkinson?

17. Have you not declared that you considered

Thomas Power the enemy of General Wilkinson, and that he would leave nothing undone to his injury, which art, duplicity, and intrigue, could effect?

18. Did you not also declare, in 1800, that you knew Power was not the friend of General Wilkinson, and that he was a man of duplicity?

19. Did you communicate to the Government all the particulars you had learned respecting Power's mission to Kentucky and Tennessee, in June, 1797; and under what date was your communication made?

20. Did you understand the interview Power was ordered to seek with General Wilkinson was for any sinister purpose, or relative to the execution of the treaty of friendship, limits, and navigation?

21. Who were those confidential persons in Kentucky and Tennessee, to whom you exposed the objects of Power's mission, and what the particulars of those expositions?

22. Did you ever hear Power speak of General Wilkinson's tobacco concerns at New Orleans, or say that the Spanish Government was indebted to him on that score?

23. To whom was the letter of Gayoso, which fell into your hands in November, 1798, addressed; and by whom was it delivered to you, and what were the particular contents of it?

24. What other names besides General Wilkinson's were mentioned in that letter of Gayoso, and for what reasons do you presume it to be in the hands of D. Clarke and T. Power?

25. What effect did this letter of Gayoso then produce on your mind relative to the character and conduct of General Wilkinson?

26. Are you certain that it was Gayoso's letter that you saw? and did you not see another letter about the time that Gayoso's fell into your hands, which appeared to be designed to injure General Wilkinson?

27. How did your conversation respecting General Wilkinson commence with Mr. Portell? was it at your instance or at his, and for what purpose?

28. Who were the other gentlemen named by Captain Portell to have received money from the Government of Spain, by the same boat which carried money to General Wilkinson, and who were considered pensioners of that Government?

29. Did you understand how Captain Portell came to discover that the money sent to General Wilkinson was not on account of any commercial transaction?

30. Did you communicate the particulars of this information to the Government, and at what time, and in what manner? if not, through what motives did you withhold it from the Government?

31. Wherefore were you so particular in noting the precise sum of money which Portell informed you he had transmitted to General Wilkinson?

32. What impression did this information make on your mind respecting General Wilkinson? did it, at that time, affect your confidence in him?

33. Is not that Portell the same who gave up

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a military post to Bowles and a party of Indians, through treachery or cowardice? and has he not been dishonored for his conduct by the Spanish Government?

HUTCHINS.

34. Did not Daniel Clarke, junior, of New Orleans, intercept a private letter from the late Colonel Anthony Hutchins to his agent in London, and furnish you a copy of the same?

35. Was not the said letter under seal, and was not the seal broken? Did not the said Clarke transmit the said letter, or a copy of it, to his uncle, Colonel Daniel Clarke, of the Mississippi Territory, and did he not afterwards publish the same, with a view to injure the writer?

36. Have you not declared that the interception of Colonel Hutchins's letter was to satisfy your "inquiries which were intended to serve your country," and had you no other motive?

37. Had not Hutchins represented you to be in the Spanish interest, and did not you desire to employ the intercepted letter to counteract his representations?

38. Were you not intimate with Hutchins when you first reached Natchez? Had you not afterwards a bitter animosity against him, and did not you report him to the Government as a British pensioner, and an enemy to the United States?

General questions.

39. Have you not declared, in New Orleans, that almost all of your own, and General Wilkinson's enemies, were becoming Spaniards?

40. Have you not declared a large proportion of the inhabitants of Mississippi Territory to be a set of the most abandoned, malicious, deceitful, plundering, horse-thieving rascals on the continent?

41. What was your opinion of General Wilkinson, as he descended the Mississippi, and before he reached Loftus Heights, the site of Fort Adams, in 1798?

42. What was your opinion of his official conduct, and his attachment to his country, after his arrival at Loftus Heights?

43. What were your ideas of his merits in the year 1800? and did not you express pleasure on seeing him restored at that time to the command of our armies?

44. Did not you confide to General Wilkinson, without reserve, your plans and movements, and give him information of high importance, public and personal, whilst engaged on the line of demarcation?

45. Did you not consider General Wilkinson's presence in command, at our Southern frontier in the Mississippi, necessary to the public service, in the years 1799 and 1800, and have you not expressed this sentiment?

46. From your correspondence with General Wilkinson, and observations on his conduct, did you not consider him attached to the interests of his country, and faithful to the trust reposed in him?

47. As far as your own knowledge and obser-

vation have extended, have you not considered General Wilkinson, as a military man, patriotic, zealous, active, and faithful in the discharge of his high duties?

48. Do you know, or have you heard of any specific act of General Wilkinson's calculated to injure his country, or its Government?

49. Has any person, since the conspiracy of Colonel Burr was exposed, applied to you for information respecting General Wilkinson's intercourse or connexion with the Spanish Government? Be pleased to state what passed on these occasions.

50. Has no person applied to you, since Mr. Daniel Clarke's information to the House of Representatives criminating General Wilkinson, for such information as you might possess on the subject, and who was the person or persons?

51. Be pleased to state how it happened that you furnished Daniel Clarke a copy of your letter to General Wilkinson for publication, without the General's letter which produced it; and is your letter, as published, a faithful copy of that you wrote the General, and of that you transmitted to Mr. Clarke?

52. Did you expect that the publication of this letter would serve Mr. Clarke, or injure General Wilkinson?

53. From whom did you receive the information, to which you refer, in October, 1797?

54. At what time did Mr. Power advise you he had carried a sum of money and despatches to General Wilkinson up the Ohio?

JAMES WILKINSON.

J. YEATES.

ANDREW ELLICOTT.

No. 19.—A. Ellicott's deposition.**PENNSYLVANIA, LANCASTER, SS.**

Before me, Jasper Yeates, one of the associate judges of the supreme court of the Commonwealth of Pennsylvania, came Andrew Ellicott, of the borough of Lancaster, and, being duly affirmed according to law, saith: That, before he, this affirmant, left the city of Philadelphia, in the year 1796, as Commissioner on behalf of the United States to carry into effect the Spanish treaty, President Washington communicated confidentially to this affirmant that suspicions had been signified to him of certain citizens of the United States improperly connecting themselves with the Spanish Government, among whom General Wilkinson was mentioned, and requested this affirmant to pay attention to that subject, but in as private a manner as possible, to prevent the increase of suspicions, perhaps ill-founded.

On this affirmant's arrival at Cincinnati, he was informed that General Wilkinson had had several interviews (some of them private) with a Spanish agent or spy, known by the name of Thomas Power, who, it was asserted, had taken a considerable sum of money into the State of Kentucky. This information appeared, at that time, to merit so little attention, that this affirmant made no communication of it to Government.

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Immediately on the arrival of this affirmant at Natchez, he heard the common report in that district, from Green Hutchins and others, of General Wilkinson's being in Spanish pay, but those reports made no impression on the mind of this affirmant: the doubts and suspicions of Colonel Bruin and the late Daniel Clarke had some influence, but never so much as to be the subject of a communication.

About the latter end of May, or beginning of June, 1797, this affirmant was made acquainted with an intended and private mission of the before-mentioned Thomas Power to the States of Kentucky and Tennessee, to induce a separation from the Union; and that he was instructed by the Governor General, the Baron de Carondelet, not to return without having an interview with General Wilkinson. Mr. Power left Natchez, for the purpose above mentioned, on the 5th of June, 1797, which this affirmant believes is the date of his communication to the Department of State on that subject. The information respecting the mission of Mr. Power this affirmant suspects was had from some person employed about the office of the Baron de Carondelet.

In October, 1797, this affirmant received, and probably from the source before mentioned, the outlines of a plan for dismembering the United States, in which the name of General Wilkinson is mentioned as one of the principals. This affirmant was likewise informed that the correspondence between General Wilkinson and the officers of His Catholic Majesty was carried on by cipher, and deciphered by the aid of a pocket dictionary. This circumstance, the affirmant apprehends, is mentioned in his communication in cipher to the Department of State, on that subject, bearing date the 14th day of November, 1797.

In the beginning of November, 1798, a confidential letter of Governor Gayoso's fell into the hands of this affirmant. In that letter, General Wilkinson and several others are mentioned as having been in the pay and interest of Spain. The interesting parts of that letter were reduced by this affirmant to cipher, and accompanied his despatches of the 8th of the month above mentioned, to the Department of State.

About the 16th of October, 1799, Captain Portell, of the royal armies of Spain, who then commanded at Apalachi, informed this affirmant, that at New Madrid, in the year 1796, he put on board a boat, under the direction of Mr. Thomas Power, nine thousand six hundred and forty dollars, for the use of General Wilkinson. This affirmant questioned him whether this money was not on account of some mercantile transaction; he declared it was not. This affirmant entered the nine thousand six hundred and forty dollars on a paper, (now in the possession of this affirmant,) and handed it to Captain Portell, who told this affirmant it was correct.

The witness, being cross-examined by General Wilkinson, saith, on his affirmation, that the instructions of President Washington, before mentioned, to him, were verbal and not written.

To the second interrogatory he answers in the negative.

To the third interrogatory he answers, that the names of Mr. Sebastian and Mr. Brown (not Senator Brown) were also mentioned, on that occasion, by the President to him; and that he was required to examine into the conduct of La Chaise, Volney, and Collet, if he should happen to fall in with them, or either of them.

To the fourth interrogatory he answers in the negative; and that he made no other reports than, as before stated, from the information given to him.

To the fifth interrogatory he answers in the negative, according to the best of his recollection.

To the sixth interrogatory he answers, that he became acquainted with Philip Nolan about the beginning of January, 1797, at the confluence of the rivers Mississippi and Ohio.

To the seventh interrogatory he answers, that Nolan's general character was good, as far as he knew, and that he rendered essential services during the mission.

To the eighth interrogatory he answers in the affirmative.

To the ninth interrogatory he answers that he is strongly inclined to believe that Nolan mentioned to him that the intercourse and connexion of General Wilkinson with the Spanish Government was commercial; and that this made considerable impression on his mind; but he cannot recollect whether or not he has expressed this circumstance to others.

To the tenth interrogatory he answers in the negative, so far as respects General Wilkinson; but that Nolan told him that a deceptive policy and fictitious appearance were necessary, on his part, to protect his enterprises in Louisiana.

To the eleventh interrogatory he answers in the affirmative; and that he made a communication on that subject to the Department of State.

To the twelfth interrogatory he answers, that he knows Thomas Power, and that his general character is bad, so far as he knows, and verily believes.

To the thirteenth interrogatory he answers in the affirmative: and that Power told him when Lieutenant Steele took possession of his boat on the Ohio, that he had despatches and money on board for General Wilkinson, but that the witness paid so little regard thereto, that he did not deem it worthy communication.

To the fourteenth interrogatory he answers in the negative; and that communications from him would have produced no effect whatever.

To the fifteenth interrogatory he answers, that he does not know from whom he received information of Power's mission; but if he be allowed to express his suspicions, he suspects it was forwarded by Daniel Clarke, who, however, never conversed with him on that head.

To the sixteenth interrogatory he answers in the negative.

To the seventeenth interrogatory he answers in the affirmative.

To the eighteenth interrogatory he answers

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that he cannot particularly recollect, but thinks it highly probable.

To the nineteenth interrogatory he answers in the negative; that he neither had time nor deemed it material. The date of the communication was June 5, 1797.

To the twentieth interrogatory he answers in the negative.

To the twenty-first interrogatory he answers that, among others, he exposed the objects of Power's mission to Colonel Rankin, of Kentucky, and Colonel Henly, the agent of the board of war in Tennessee.

To the twenty-second interrogatory he answers in the negative.

To the twenty-third interrogatory he answers, that Gayoso's letter was addressed to Thomas Power, but cannot tell who delivered it to him; that the same was intercepted by means used by the witness, but he declines being more particular as to those means, as his answers may tend to criminate himself. He communicated the particular contents to the Department of State confidentially, and has no objection to the injunction of secrecy being taken off.

To the twenty-fourth interrogatory he answers, by referring to his communication; and that he presumes the letter to be in the hands of Power, from being addressed to him; and, from the connexion between Clarke and Power, the latter may have handed it to the former.

To the twenty-fifth interrogatory he answers that this letter produced more effect on his mind than all his previous information; but that whatever plan had been in contemplation it had been abandoned.

To the twenty-sixth interrogatory he answers, that he is certain it was Gayoso's letter, and saw no other.

To the twenty-seventh interrogatory he answers, that the conversation with Portell arose at the instance of witness.

To the twenty-eighth interrogatory he answers, that Portell, among others, named Lackasang, Sebastian, and Brown, (not the Senator,) as pensioners of the Spanish Government.

To the twenty-ninth and thirtieth interrogatories he answers in the negative; and he did not communicate the particulars to the Government, in consequence of a letter which he received from Timothy Pickering, the then Secretary of State, directing him not to forward it.

To the thirty-first interrogatory he answers, that he was particular in noting the precise sum of money transmitted to the General, because the precise sum had been mentioned to him.

To the thirty-second interrogatory he answers, that the information somewhat affected his confidence in General Wilkinson.

To the thirty-third interrogatory he answers, that this same Portell gave up a military post to Bowles; whether he was dishonored by the Spanish Government he knows not.

To the thirty-fourth interrogatory he answers, that he knows nothing of the intercepting the letter in question; but it was laid before him at the

house of Daniel Clarke, where he lodged, either by Major Minor, Nolan, or Clarke.

To the thirty-fifth interrogatory he answers, that the seal of the letter was broken: as to the rest he knows not.

To the thirty-sixth, thirty-seventh, thirty-eighth, thirty-ninth, and fortieth interrogatories, he answers, severally, in the affirmative.

To the forty-first interrogatory he answers, that he did much business with General Wilkinson of a public nature, and as far as he saw or observed him, his conduct was that of a good citizen of the Union, a soldier, and a gentleman; and, in answer to the forty-second interrogatory, and also to the forty-third, he said his opinion of him continued favorable as above.

To the forty-fourth interrogatory, and also to the forty-fifth, forty-sixth, and forty-seventh, he answers in the affirmative.

To the forty-eighth interrogatory he answers in the negative, further than he has above declared.

To the forty-ninth and fiftieth interrogatories he answers, that no person applied to him for information on the subjects before mentioned, unless Mr. Daniel W. Cox, of Philadelphia, who called on him in the month of January last, and told him the affair between Gen. Wilkinson and Clarke was becoming very serious, and asked him if he was willing to take a trip to Washington, to which the witness answered in the negative. He inquired where Isaac Wayne, Esq., the son of General Wayne, lodged, and was told. The interview did not last above fifteen minutes; the room being full of company at the time.

To the fifty-first interrogatory he answers, that he can give no reason for sending to Mr. Clarke the copy of his letter to General Wilkinson, without a copy of the letter from the General which produced it; that Mr. Clarke was informed, in the first instance, that it was not intended for publication, but, in a subsequent letter, he was told that it might be used before the court of inquiry if it could throw any light on the transactions; he had no intent to injure General Wilkinson thereby, in answer to the fifty-second interrogatory.

The fifty-third interrogatory is answered before, and as to the last, he saith, that it was at the time they were operating on the line in that country, and after General Wilkinson had come into that country.

ANDREW ELLICOTT.

The foregoing deposition, contained in eight pages, and subscribed by Andrew Ellicott and myself, together with the interrogatories therein referred to, was duly taken on the 22d May, 1808, before me.

J. YEATES.

Mr. Power's deposition respecting his correspondence with Gayoso, Carondelet, and Don A. Armesto.

Personally appeared before me, the undersigned, one of the justices of the peace in and for the city of New Orleans, Mr. Thomas Power, who being duly sworn, doth depose: that the several papers hereunto annexed are the original draughts of

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letters written to the several persons whose addresses are there respectively annexed, and that copies of them were sent at, or immediately after, the times of their respective dates, to the persons to whom they were addressed, and that the facts contained in them are true.

To Governor Carondelet a letter, dated at New Madrid, June 27, 1796.

To Governor Gayoso a letter, dated at New Madrid, June 27, 1796.

To Governor Carondelet a letter, dated New Madrid, January 3, 1797.

To Governor Gayoso a letter, dated New Madrid, January 3, 1797.

To Governor Carondelet a letter, dated Natchez, June 4, 1797.

To Don Andres Armesto, Secretary of the Government of Louisiana, a letter, dated Natchez, June 4, 1797.

To Governor Gayoso, a letter, dated at New Orleans, December 5, 1797.

And this deponent further states, that the last-mentioned letter, written by him to Gov. Gayoso, was his report concerning the mission on which he had been sent by the Baron de Carondelet to General Wilkinson and others, as stated in the Baron's letter to him, the deponent, dated May 26, 1797, which report was made to Governor Gayoso, as successor in the Government of Louisiana, to the Baron de Carondelet, who was appointed to, and departed for, the Government of Quito, in the absence of the deponent, whilst employed on the before-mentioned mission.

THOMAS POWER.

Sworn and subscribed before me, in New Orleans, March 18, 1809.

E. FITCH, J. P.

NEW MADRID, June 21, 1796.

SIR: I arrived at this post yesterday afternoon. As this is not a proper time to enter into the details of my journey with Mr. S., nor to communicate to you the observations on the subject to which you have so strongly recommended to me to apply my attention, I shall confine myself simply to relate to you the situation in which I am with respect to the commission which — gave me, to take charge of the money which you sent to the commandant of this post to be sent to him.

I arrived at Cincinnati the 19th of May. — was then at Greenville. Not to give rise to any suspicions, I thought it was prudent not to set out for headquarters without having previously obtained permission to go there from General Wilkinson, who commanded there. This permission did not arrive until the 31st. The 2d of June I went there, and delivered to — the despatches of which Mr. S. had taken charge, and which he had found it impossible to send in any other manner, without exposing them to the risk of falling into the hands of his enemies. I repeated to him the conversation I had with the Intendant and Don Andres on the subject of the money in question, and of the means we had

devised to send it to him without running the risk, which were, that under the pretext of making a commercial voyage, I should ascend the Ohio to the falls, or Cincinnati, with a cargo of sugar, coffee, powder, &c., all in barrels, each one of which should contain a certain quantity of dollars. These precautions appeared to him so wise, that he detained me as short a time as possible, without giving umbrage, and sent me off with verbal orders to receive from the commandant at New Madrid, the money which was placed in his hands for him, and to give him a receipt for it. When I suggested to him that it would be necessary, perhaps, that I should present to the said commandant an order from him, he observed to me that, not knowing how many dollars the said commandant had received, to be delivered to his order, it was impossible for him to specify the sum which I ought to receive; adding that he was surprised that Don Andres had not designated in his letter (which was the only one of those which he had received in which the money was mentioned) what was the sum that had been sent to New Madrid; "besides," he added, "I find myself in so critical a position, and surrounded by so many enemies, that to give you an order in writing would expose myself to infallible ruin, and to the failure of a project which we have labored at so many years." He authorized me even, since he could not give the order in writing, which I asked from him, and the commandant would not have understood it if he had given me one in cipher, to write an order myself in his name, and to present it to the commandant if it should happen that he made any difficulty. Yesterday, as I have already had the honor to inform you, I came here, and this morning I applied to the commandant for —'s money. The only answer he gave was, to show me your official letter, dated the 20th January, 1796, in which you order him to deliver the nine thousand six hundred and forty dollars only to the person who should present an order from the said — to that effect; then I communicated to him what had passed between — and me, and to give him complete satisfaction, and convince him that I had the confidence of —, and his order to receive the money in question, I thought it my indispensable duty to enter with him into certain details which, under any other circumstances, I should not have permitted myself to do. I presume that Mr. Portell will communicate to you all that took place between us, together with a copy of the letter which I thought I could not avoid writing to him. I hope, sir, that you will approve of the conduct which I have pursued in these difficult and embarrassing circumstances, and I beg you to be persuaded that it has been regulated solely by the active zeal which animates me for the service of the King, and which I dare flatter myself will more and more secure to me your confidence. Delicacy prevents my tracing to you the picture of the position of —; the detail which I could make at the same time that it would afflict you, would convince you of the necessity of the steps which I have taken, as well as the purity and

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disinterestedness of my intentions. I have delivered to Don T. Portell to be forwarded to you a note from —. He begged me to inform you that the multiplicity of his occupations did not permit him at this moment to enlarge, but that he would write to you more in detail at my return. I have also put into the hands of the commandant a note of the same from — for the Governor of Natchez. The motives which have guided me in all this affair, which are the desire of not losing any time in flying to the relief of —, and the perfect conviction I have that, in doing so, I enter completely into your views, do not permit me to write to you to the extent which I had proposed; but I will not neglect to do it before my departure for Cincinnati.

I have the honor to be, sir, with the most profound respect and the most perfect devotion, your most obedient servant, &c.

To the BARON DE CARONDELET, &c.

No. 21.

NEW MADRID, *June 27, 1796.*

SIR: I arrived at this place yesterday afternoon. My return has been delayed nearly one month beyond the time I had calculated upon. Mr. S. and I parted at Cincinnati, the 19th of last month; he was then not perfectly in health, and a good deal worsted by his journey, which, owing to the uncommon severity of the weather, had been attended with more fatigue than we expected to encounter. At some future, and not distant period, I will do myself the honor of laying before you some of the particulars of our travels, and the reflections that occasionally pressed themselves on our minds. The situation into which I am thrown, by a concurrence of circumstances, originating in a want of foresight, is far from being pleasant. Indulge me with a few minutes patience, and I will acquaint you with it. S—, at Cincinnati, gave me charge of the letters he had received for —; who was at that time at Greenville. The vigilance and activity of his enemies made it unsafe to trust them to any ordinary conveyance; I therefore resolved to carry them myself; but not to attract the eye of suspicion, and even to remove the shadow of it, I judged it necessary to remain at Cincinnati until I obtained permission from Gen. Wilkinson to visit headquarters, where he commanded. Having obtained it, I proceeded thither without delay, and arrived there the second of June, and delivered the letter. — asked me what arrangements had been made to have the money forwarded to him. I informed him that I had agreed with Don Andres, who appeared to have the management of that business, that I should proceed up the Ohio with the barge in which Lieutenant A. Gregg returned to Massac, with a cargo of sugar, coffee, &c., in barrels, and that, to elude the grasp even of conjecture, the money should be put by small quantities into the barrels; that I was to have the selection of the boat's crew, from among the Creoles and Canadians, living at this place, or on board the King's galleys; and that I un-

derstood the sugar and coffee had been sent up with the dollars. Pleased with these precautions, which to him appeared well calculated to lull suspicion, blind the inquisitive, avert danger, and insure success, he gave me verbal orders to take charge of the money, proceed with all possible dispatch to New Madrid, and return speedily to Cincinnati. The reason for his not giving me an order by writing is obvious: it might fall into the hands of his enemies, an event that was within the scope of possible contingencies, and which would inevitably have involved him, with perhaps some of his friends, in destruction, and, in one moment, have blasted a scheme, in the prosecution of which he had devoted his talents, labor, and time, and have crowned the best founded hopes with the bitterness of disappointment. This he thought was putting too much at stake; and to have given me an order in cipher would undoubtedly have been useless, for it would have been unintelligible to the commandant. To obviate as much as possible these difficulties, he authorized me, if necessary, to write an order myself, and sign his name. I cannot omit another cogent reason which would not allow — to give me such an order, was, that he knew not what sum of money had been sent for him to New Madrid, and could not, therefore, specify what I was to receive. He informed me, that neither you nor the Baron had mentioned in your letters a syllable about said money; and that Don Andres alone writes him, that the money had been conveyed to New Madrid, without specifying the sum. This he was not a little surprised at. I left Greenville on the 9th, and proceeded to this place. This morning I acquainted the commandant with my commission; on this he showed me a letter from the Governor of the province, ordering him to deliver the money only to the person who should present him an order from —; assuring me, at the same time, that neither coffee nor sugar had been sent for the purpose already mentioned. I expostulated in vain with him. Mortified and shocked with the thoughts of what — would suffer by any further delay in this business, which, by a hostile combination of events, has been protracted so long, I thought it my duty to lay before the commandant certain circumstances, which the exigencies of the case alone can warrant. This, however, had the desired effect, by prevailing upon him to accede to my proposals. Enclosed you will receive a copy of what I have written to him. My conduct on this occasion, I hope will meet your approbation. I can with confidence assert, that it has been dictated solely by my zeal for the service of the King, my attachment to —, and a desire to serve him. As soon as the barge arrives from St. Fernando, and everything got in readiness, I will proceed up the river without any loss of time. — expects me by the first of August. I assured him so positively that my absence should not extend beyond that period, that if he is disappointed he will be tormented with the most painful anxiety. I am informed that you have been appointed Governor of the province; permit me to congratulate you

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on the event, and assure you that I rank amongst the foremost who sincerely rejoice at it. Not to detain the boat that is going to St. Fernando, I am obliged to close this, and defer writing to you more at length to a more leisure hour.

I have the honor to be, sir, with respect and consideration, yours, &c.

DON GAYOSO DE LEMOS, &c.

NEW MADRID, *January 3, 1797.*

SIR: I arrived at this post the first of last month. I intended to announce to you this visit in person, but the most contrariant events have prevented me, and do not yet permit me to set out for New Orleans, to render you an account of my mission, in which I have succeeded in spite of the opposition of Wayne. I should have already returned to the capital, if I had myself been the bearer of the letters of —, which I have received some days since by Mr. Nolan. The gazettes, which I have the honor to send you with this, will inform you of the motives which prevented — from putting them under my care. You will see there, also, the manner in which I have been treated by the orders of General Wayne. There are certain details which it would be imprudent to exhibit to the eyes of the public, but which I will communicate when I have the honor of seeing your Excellency.

In the instructions which accompany the letters of —, he gives me the most pressing orders to go without delay to New Orleans, and from thence to Philadelphia, where my presence is indispensable. In consequence thereof, I have made an application to the Commandant Lassus for the barge in which I made my last voyage, which he has put at my disposition; and I should have set out the 22d of December if a frost had not happened, the hardest ever known in this country, which froze the Mississippi the distance of several toises from its banks. The river is still in the same state, and carries down so great a quantity of cakes of ice that, to undertake to descend it in any kind of vessel, except a little boat, would be exposing one's self to inevitable shipwreck. As soon as the rigorous cold, which yet prevails, shall have ceased, and the river shall be cleared of ice, so that it may be navigated, you may be persuaded that I shall not delay my departure an instant. If I do not send the letters of —, it is because I do not wish to go beyond his orders. He enjoined me, in the most express and urgent manner, not to part with them until I could deliver them to you in person. I dare flatter myself, that when I shall have imparted to you the motives of my conduct in all this business, which is so very difficult and delicate, you will not refuse me your approbation; at least I do not hesitate to assure you that my intentions merit it.

I believe it is essential that you should know that the suspicions which I communicated to you, on the subject of General Collot, were but too well founded. He is sent by "Mr. Adet to fulfil the mission in which Mr Egerton failed." The

person from whom I have this refused to accept it. To tell you who it is, at this time, would be risking too much. When I shall have named him, you will not doubt of what I advance. This same person has promised me that, at my return from Philadelphia, he would communicate certain details, very interesting for this province. As I hope to be in town almost as soon as this courier, I will no longer abuse your patience, and take up your precious time.

I have the honor to be, with devotion and respect, your most obedient servant.

BARON DE CARONDELET.

No 23.

NEW MADRID, *January 3, 1797.*

SIR: I arrived at this place on the first of last month, and have been detained here by a concurrence of unlucky circumstances. — had ordered me to stay here until Nolan should arrive with his letters. Mr. Nolan did not arrive before the 17th or 18th of December. I was ready to set off on the 22d. when the severest frost ever known in this country suddenly froze the river for a great distance from its banks. It still continues frozen, and such vast quantities of ice float down the part that is not frozen, that, to attempt to go down it in anything but a small canoe, would be rushing into the jaws of death. I enclose you two newspapers, by which you will learn the manner in which I have been treated in the United States, and why — did not venture to trust me with any papers. I am happy, however, to acquaint you, that I delivered my charge in safety. I do not transmit you —'s letters, not to depart from his orders, which are, not to let them out my hands upon any consideration, but to deliver them personally to you; and, besides, I expect to be with you almost as soon as the bearer of this. After I shall have explained to you, at Natchez, the motives of my conduct through the whole of this delicate and difficult business, I flatter myself it will meet with your approbation.

I have the honor to be, with respect, your Excellency's most obedient and most humble servant.

His Excellency Governor GAYOSO.

W.—Deposition of Elisha Winters.

I, the undersigned, certify and declare, that I was an inhabitant of Kentucky in the years 1788, '89, and '90; that General Wilkinson was then engaged in commerce between Kentucky and New Orleans; that the General made a small shipment of tobacco, in the Spring of 1791, not more than two boats, under the care of Captain Wilson, one of which sunk on the Ohio, and two or three hogsheads of tobacco landed on the bank; the other boat landed in New Orleans a few days before I arrived in that port, and if there were any more arrivals (the property of the General) it was unknown to me. I further state that, in the year 1791, I became a citizen of New Orleans, and that the General might have made a shipment to

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that part in 1792, but it was not probable, otherwise I should have had some knowledge of it. But this is improbable, because in the year 1790 I was in New Orleans. The residence of Governor Miro was then about two leagues from the city; a message came to me that the Governor wished to see me at his house the next day. Accordingly I waited on his Excellency. He made strict inquiry concerning the General, and whether there were any tobacco coming or not, or whether the General was coming himself.

I answered that I knew nothing of the General's coming, nor of any tobacco on its way. He then said that the General had treated him very ill, and if he could not have complied with his contract, he ought to have sent a man in a canoe with information. He then repeated it again, with great warmth, saying, I will not write him, but you must tell him, from me, that he has behaved very improperly, and my disappointment is very great. This was expressed with much passion.

Governor Miro took his departure from New Orleans in the year of 1792. To my knowledge there was no tobacco received for the King's use, after the arrival of the Baron Carondelet. A proclamation was issued, before the departure of Governor Miro, that no more tobacco would be received in the King's stores for his Majesty's use.

I, the undersigned, further state, that, about the year 1796, I was on a visit at New Madrid, and, at the house of the commandant, heard him make some observations which I could not understand, and applied to the interpreter for an explanation; he answered that the commandant had in his chamber a Spanish lady going to General Wilkinson. This raised my curiosity. I made further inquiry, and found it to be a chest of dollars (as much as four or five men could handle) from the Spanish Government to General Wilkinson. This I thought strange indeed. On being fully satisfied, in a very short time after, I took my departure for the falls of Ohio. After having been about four or five days on my voyage, I met a certain Mr. Power (an old acquaintance) descending the Ohio, who informed me that he was from headquarters, on his way to New Madrid, for a cargo of groceries. This convinced me that what I had learned at New Madrid, was true, and that he was on his way to gallant the Spanish lady to headquarters. I then determined to make all possible despatch to the falls in order to give information of the approach of so valuable a creature. Accordingly, on my arrival at the falls, I immediately gave information to General Wayne that I had discovered, at New Madrid, a royal chest on its way to the Army of the United States, and that this chest, together with the despatches that accompanied it, would be important, and that if he would send to me in Lexington a confidential person, I would communicate to him the particulars. Accordingly, in a very short time. I was visited by a Major Swann, to whom I communicated the whole affair, and assured the major that if im-

mediate and proper steps were taken to meet Mr. Power, on the Ohio, an important discovery would be made. The major immediately returned; and, as I have been informed, a certain Lieutenant Steel, was dispatched on this business, and met the aforesaid Power on the Ohio, but did not search his boat, and permitted him to proceed on his voyage. I afterwards saw my letter of information to General Wayne, in the War Office in the city of Philadelphia, in the hands of Mr. McHenry, then Secretary of War.

The deponent further states that he was led to make particular inquiry of the Spanish interpreter at New Madrid, as aforesaid, from the circumstance of seeing a post, which appeared rough and newly made, apparently supporting the upper floor of the room in which the commandant then was.

ELISHA WINTERS.

WASHINGTON COUNTY, ss.

On this 16th April, 1810, before the subscriber, a justice of the peace for said county, appeared Elisha Winters, and made oath, in due form of law, that the above and foregoing facts are true to the best of his belief and recollection.

Sworn before

DANIEL RAPINE.

No. 25.—Bradford's affidavit.

Sometime between the 10th and 20th days of January, 1807, in conversation with General Wilkinson on the subject of publications in the Western World, I expressed a belief that some of the charges there brought against him (the General) were true; and remarked that they were generally credited in Kentucky. I noticed the immense sums of money he expended, as tending to impress a belief that he had some other resource than his pay and emoluments as Commander-in-Chief of the Army. I informed him that I had heard it very confidently asserted that the money he paid to John McDonough for sugars, when the Americans took possession of this country, was received from the Marquis de Casa Calvo. The General declared the report false, and raised to ruin him; that he had received the money from Lieutenant Taylor for extra services. Shortly after this conversation with General Wilkinson, I had one on the same subject with Governor Claiborne. He told me that when he first heard of the purchase of sugars by the General, he was inclined to believe that he had come by the money, with which he made the purchase, corruptly; but that he had an explanation of the affair with General Wilkinson, who had removed every suspicion from his mind, and added, that the General received the money from Lieutenant Taylor, then military agent, for extra services in running lines.

Since writing the above I have shown it to Governor Claiborne, who agrees to the facts stated with this correction: that, instead of saying he "was inclined to believe that he had come by the money, with which he made the purchase, corruptly," he believed "all was not right." And that instead of saying, "the General received the

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money from Lieutenant Taylor, then military agent, for extra services in running lines," he said, "the General received the money from Lieutenant Taylor for drafts on the United States;" and he "had heard that the drafts were for extra services in running lines and making Indian treaties;" that he held these conversations frequently, and recollects one on this subject with the undersigned in the Winter of 1807.

JAMES M. BRADFORD.

Sworn and subscribed to, at the city of New Orleans, this 17th day of March, 1809, before me,
SAMUEL D. EARLE, J. P.

I. B.—Deposition of Isaac Briggs, April 14, 1810.

WASHINGTON CITY,
13th of the 4th month, 1810.

Shortly after I arrived in the Mississippi Territory as surveyor of the public lands of the United States, in the Autumn of the year 1803, William C. C. Claiborne, then Governor of the said Territory, told me that Daniel Clarke had some time before made to him a proposition to put himself (Claiborne) at the head of all the force he could raise, march to New Orleans, and take forcible possession of that city. That \$100,000 would be at his (Claiborne's) disposal; and that General Wilkinson, with all the power in his command, would co-operate in the enterprise; and that soon afterwards, Richard Reynold Keen showed him (Claiborne) a written but anonymous paper, which he believed to be in the handwriting of General Wilkinson, and which contained an assurance that the General would co-operate in such an enterprise. This information the said Governor Claiborne repeated, and Hose Browse Trist, since deceased, confirmed to Robert Williams, late Governor of the Mississippi Territory, and myself, in the city of New Orleans, in the second month of the year eighteen hundred and four.

About the beginning of the tenth month, in the year 1806, at the town of Washington, in the Mississippi Territory, I told General James Wilkinson I had been informed that he had received, previously to his leaving New Orleans in 1804, from the officers of the Spanish Government, about ten thousand dollars of a late Mexican coinage, in Campeachy bags. He replied it was fact; he had received about that sum, in the manner stated, and from the Spanish officers, but that it was due to him on account of former mercantile contracts with the Spanish Government.

Having never taken any notes or memorandums, the above statement is from memory.

ISAAC BRIGGS.

WASHINGTON COUNTY, ss:

On this 13th of April, 1810, before the subscriber, a justice of the peace for said county, appeared Isaac Briggs, and affirmed that the facts stated in the foregoing instrument of writing are just and true, to the best of his belief.

Affirmed before DANIEL RAPINE.

Papers relative to the second point of inquiry.

No. 34.—Mr Power's narrative and deposition respecting his mission in 1795.

In the year 1795 Governor Gayoso ascended the river Mississippi, commanding the King's galleys and troops, destined to erect and garrison the fort of San Fernando de las Barrancas, (Chickasaw Bluffs,) where he remained, I believe, about two months, or perhaps longer; and after having, by his presence, given spirit and activity to the works, proceeded to New Madrid. Immediately on his arrival, which was in the beginning of September, 1795, he informed Captain Don Thomas Portell, the commandant, that he had despatches of the greatest importance to forward to Kentucky, and desired him to procure a person on whom he could depend to take charge of them. Portell spoke to me on the subject. As travelling was then my ruling passion, I proposed, without hesitation, to undertake the journey. It may not be improper here to observe, that I had already been sent by said Portell to Kentucky on two occasions; the first, at the beginning of 1794, to keep an eye on the movements and progress of what is generally known by the name of Genet's expedition against Louisiana, headed by Clarke and La Chaise; and the second, to accompany the Spaniards that had murdered Mr. Henry Owens, the bearer of General Wilkinson's \$6,000, concerning which I have given my affidavit under this date. As I had acquitted myself of my commissions much to his satisfaction, he had recommended me strongly to the Governor.

Without loss of time a pirogue, hands, and provisions, were got ready; and I set off from New Madrid on the 6th of September, and reached the Red Banks on the sixth day. Here I was detained by a bilious fever until the 24th, on which day I set off by land and arrived at Cincinnati on the 3d of October, having delayed one day at Lexington. The day after my arrival I delivered my despatches to General Wilkinson, agreeably to my orders. When I left New Madrid, I was only half in the secret of the object of my mission; but the General disclosed the whole plot to me, which was a separation of the Western from the Eastern States, such as appears in Judge Sebastian's trial. After some days' stay at Cincinnati I proceeded up the Ohio as far as Gallipolis, in obedience to General Wilkinson's orders, which I had been instructed by Gayoso implicitly to follow. I returned to Cincinnati on the 8th of November, and left that place on the 14th with Wilkinson's answers, having occasionally dined with the General, and having had several nocturnal conferences with him in Fort Washington.

In his letter in cipher to Gayoso, September 22, 1796, he refers him to what I should verbally communicate to him, which was as follows: That I must immediately return to Red Banks, where I should meet the following gentlemen, or at least two of them, viz: Messrs. Benjamin Sebastian, Henry Innes, John Murray, and George

Brigadier General James Wilkinson.

Nicholas, whom I was to convey to the mouth of the Ohio, there to have an interview with Gayoso. I have already mentioned that the plan of separation was such as appears in Sebastian's trial; on which subject Wilkinson directed me to lay the following observations before Carondelet and Gayoso. However, before I proceed any further, it will not be improper to state that Wilkinson received a letter some time after from Gayoso, expressive of much discontent and reproach for having imprudently communicated to me the whole extent of their plots. This I had from Wilkinson himself. [Here follow the observations.] In this I am confident that I am perfectly correct, as I committed them to paper at the time, and which I will literally copy: "The various channels through which the Western country is to receive foreign commodities. Which the most advantageous? 1st. by the river St. Lawrence and the lakes; 2d. By New York, Hudson, or North river, and by Oswego into the lake; 3d. By Baltimore, up the Susquehanna, a portage to —, that empties into the Alleghany, down into the Ohio; 4th. By —, up the Potomac, portage to Cheat river into the Monongahela, and down the Ohio; 5th. By New Orleans and the Mississippi, &c. An intelligent person ought to be sent to these different places, and obtain every possible information on the spot concerning the difficulty or facility attending their navigation, &c., and, by comparing them, see which merits the preference. It might, perhaps, also be the means of artificially giving the advantage to the Mississippi in case it does not possess it naturally. The free navigation of the Mississippi injurious to the future population of Louisiana; because numbers who would have emigrated to it for the sake of enjoying the privileges of Spanish subjects, and from which foreigners were excluded, would now possess those advantages without moving to it.

"To ascend the Ohio with a cargo, the profits on which must be a perquisite for the person entrusted with it. By these means the following advantages will be obtained: The money that it may be judged proper to introduce into the country will be kept out of sight, even of the crew, and the real object of the expedition kept secret. It may draw the confidence of the people, and point out the channel through which they must receive foreign commodities. The cargo ought to consist of gunpowder, sugar, coffee, brandy, wine, segars, &c. The mouth of the Ohio must be formidably fortified, and works erected of sufficient strength to arrest the progress of an army during a whole campaign, and thus gain one year. Kentuckians must be employed in raising these fortifications. This will help to do away all national distinctions and prejudices, and to conciliate and fraternise the two nations. The cannons wanted may be cast in Kentucky. A bank must be established in Kentucky, with a capital of one million of dollars; the directors to be chosen among the most distinguished and leading characters in the country. We shall thus secure a majority in the councils and assem-

blies of State. The fort of San Fernando must not, upon any consideration, be given up; for this would lessen the power and importance of Spain, and the Americans would immediately take possession of it. As the seeds of an approaching rupture are already cast, it is proper that all the necessary preparations should be made in the province, by building forts on the frontiers, increasing the number of Spanish agents in Kentucky, and depositing funds in the country, to be enabled to face contingencies. General Clarke and his adherents, who are in the pay of the French Republic, must be bought into the service of Spain. The French may hereafter be prevailed upon to take produce of Kentucky and the Western country, for the use of their colonies. It is absolutely necessary that military magazines should be formed at New Madrid, well provided with arms, ammunition, and other military stores. A watchful eye must be kept upon Daniel Clarke, senior, and his nephew Daniel Clarke, Minor, Beauregard, Du Fort, Morales, and their friends. They must never be trusted in anything that relates to Wilkinson and —.

"Pounds of sugar mean hard dollars; Campbell, Carondelet; McCullough, Gayoso; Marietta, New Orleans; Post Vincennes, Philadelphia; store, fortification; Monongahela, mouth of the Ohio; words, war; silence, peace; cash, Spain; corn, France; pork, England; whiskey, United States; pounds of coffee, arms; segars, men; bread, ammunition."

Immediately on my return to New Madrid, a large pirogue was purchased, and everything provided that could contribute to the accommodation of the gentlemen; and I again set off for Red Banks towards the beginning of December. On my arrival at that place, I there found Mr. B. Sebastian, who had taken passage in a flat boat, bound to New Madrid. On my inquiring for the other gentlemen, he told me that, as Murray had for some time past been in a habitual state of inebriation, it was not judged proper that he should be of the party; that Mr. H. Innes could not leave his home, owing to some family concerns, or to indisposition, I do not recollect which; and that the absence of Lawyer Nicholas would excite a degree of suspicion that might defeat the object they had in view; but said that he was fully authorized to treat with the Governor in their name. We accordingly proceeded to the mouth of the Ohio, he in the flat, myself in the pirogue. We arrived in a short time on the Mississippi. There we found Gayoso encamped, opposite the mouth of the Ohio, where he had amused himself in building a small triangular stockade fort, with the view of impressing the public with the idea that he had no other object in contemplation. Here the bad weather detained us a few days; during which time we had the visit of Julian Poydras and Mr. Bernoudi, jun., who were descending in a flat to New Orleans. We arrived at New Madrid, I think, on Christmas day, and remained there but a short time, and continued our route to Natchez; Sebastian, with the Governor, in his galliot, and

Brigadier General James Wilkinson.

myself with Mr. Vanden Benden in a King's barge. After an ordinary passage we arrived at Natchez, where we were hospitably entertained in the Government house. I stayed there but a short time; then proceeded to New Orleans, leaving Sebastian at the Governor's. They both reached New Orleans together a few days after me.

Mr. Sebastian and myself left New Orleans, if I recollect right, in March, or the beginning of April, having taken passage for Philadelphia in the brig *Gayoso*, Captain Jared Arnold, where we arrived after nineteen days' passage. We remained but a few days in Philadelphia, and proceeded to Shippensburg in the stage. Here we put our baggage in a wagon, and, for numerous reasons unnecessary to expose, continued our journey to Red Stone on foot. At Red Stone we embarked in a flat, bound to Cincinnati, where we arrived on the 17th or 18th of May. The next day after our arrival, Sebastian took passage in a flat for Louisville. I remained at Cincinnati. On the 20th I wrote to General Wilkinson, who then had the command of the army, owing to General Wayne's absence, soliciting permission to travel by the line of forts to Greenville, and pursue my route from thence to the Illinois, by Post Vincennes. The following is a copy of his answer:

"HEADQUARTERS, GREENVILLE,
May 25, 1796.

"SIR: The day before yesterday I had the honor to receive a letter from you, under date of the 20th instant, in which you request leave to visit this place, and to proceed by St. Vincennes and the Illinois to New Madrid. Permit me, sir, to observe, that this precaution was unnecessary; at a time when the United States of America are, happily, at peace with all the world. In this enviable situation, the officers of the American army have no concealments to make, and, therefore, our camps and our forts are free to the ingress and egress of all persons who deport themselves with propriety. I beg you, sir, to believe that, upon an unpleasant occasion, to which you are pleased to refer, my conduct was directed more by the delicacy of my own situation than any sense of your demerit. Neither my sympathies nor my antipathies have ever gained such an ascendancy over my reason as to incline me to condemn, upon hearsay, or adopt the prejudices of any man. I thank you, sir, for the trouble you have given yourself in bringing forward the segars committed to your care by my very worthy friends, Governor Gayoso and Don Andres.

"And have the honor to be, with due consideration, sir, your most obedient servant,

"JAMES WILKINSON.

"MR. THOMAS POWER."

Having obtained the General's permission to go to Greenville, Major Mills, Adjutant General, procured me a horse from the quartermaster to carry me to Greenville. There I stayed five or six days, quartered on Captain Prior, and Lieutenant Charles Hyde. As soon as I had received the General's instructions, and answers to my

despatches, I returned to Cincinnati; for my journey to the Illinois by Vincennes was a device to avoid curiosity. I lost no time at Cincinnati, but proceeded with all possible haste to New Madrid, where I took charge of Wilkinson's nine thousand six hundred and forty dollars. For the details of the rest of this expedition I refer to my deposition (No. 17) taken before Mr. Eliphalet Fitch.

THOMAS POWER.

NEW ORLEANS, March 18, 1809.

Personally appeared Thomas Power, and did solemnly swear that the preceding narrative is just and true.

E. FITCH. J. P.

G. Y.—General Wilkinson's letter to Gov. Gayoso.

FORT WASHINGTON, 7 bre. 22, 1796.

Ill health, and many pressing engagements, must be my apology for a short letter. I must refer you to my letter to the Baron for several particulars, and for a detail of my perils and abuses. I must beg leave to refer you to our friend Power, whom I find of youthful enterprise and fidelity; he certainly deserves well of the Court, and I do not doubt that he will be rewarded.

What a political crisis is the present! and how deeply interesting in its probable results, in all its tendencies, and thereby must hope it may not be carried into execution. If it is, an entire reform in the police and the military establishments of Louisiana will be found immediately indispensable to the security of the Mexican provinces. I beg you to write me fully on this question, in cipher, by Power, whose presence in Philadelphia is necessary, as well to clear his own character, attacked by Wayne, as to support the fact of the outrage recently offered to the Spanish Crown, in his person, and to bring me either the person or the deposition of a man now under your command, who had been suborned by Wayne to bear false witness against me, and afterwards, for fear he should recant, bribed him to leave Kentucky. Power will give you the perfect of this infamous transaction; and I conjure you by all the ties of friendship and of policy, to assist him on this occasion. If Spain does not resent the outrage offered to Power, in the face of all Kentucky, my letter to the Baron will explain the motives which carry me to Philadelphia; from thence I will again write you. Power will explain to you circumstances which justify the belief of the great treachery that has been practised with respect to the money lately sent to me. For the love of God, my friend, enjoin great secrecy and caution in all our concerns; never suffer my name to be written nor spoken. The suspicion of Washington is wide awake. Beware of Bradford, the Fort Pitt refugee; he seeks to make peace; there are spies everywhere. We have a report here that you are appointed Governor of Louisiana; may God grant it, as I presume the Baron will be promoted.

I am ever your affectionate friend,

W.

Brigadier General James Wilkinson.

NATCHEZ, 6 de Febrero, 1797.

Es copia de una carta en ciphra que he recibido del General Wilkinson.

M. GAYOSO DE LEMOS.

En un papilito a parte dice lo siguiente.

This will be delivered to you by Nolan, whom you know, is a child of my own raising, true to his profession, and firm in his attachments to Spain. I consider him a powerful instrument in our hands, should occasion offer. I will answer for his conduct; I am deeply interested in whatsoever concerns him, and I confidently recommend him to your warmest protection.

I am evidently your affectionate,

WILKINSON.

Es copia: M. GAYOSO DE LEMOS.

No. 35.—Instructions from General Wilkinson to Thos. Power, in the handwriting of P. Nolan.

To proceed to Gallipolis to make application and propositions to the leading characters there, to induce them to remove to New Madrid, with all the French of that settlement; to urge this point in such measure as to attract the attention of the public officers there, whose report to the Executive will immediately follow, and will account for his frequent missions to that place. To return as rapidly as possible, to load with flour, and proceed without delay to New Orleans. In the route, to see Newnan, and to enter on the subject of his desertion; to inform him of the facts which have transpired, and the opinions prevalent; to urge his return, as the request of all his friends; to assure him of safety, and of such reward as he may demand; also, that being pardoned for the imputed offence, no further process can lay against him for the same; that the oath which he was suborned to take, being made while in duress, is, in itself, a nullity, and cannot be offered in crimination of him. It will be necessary that he should take down his examination, founded upon the interrogations furnished him, and, if they prove material to the crimination of Wayne and his associates, then he must embark N——n under a fictitious name at New Orleans, for Philadelphia; and, having arrived there, must lodge him in some retired place, and call upon me, under cover of night, for further advice; you will hear of me at —. If N——n cannot be prevailed upon to return under dispositions favorable to my views, then, let his declaration, on oath, be circumstantially taken to all the points enumerated in the interrogatories, in the presence of Dr. Howers, Colonel Bruin, Daniel Clarke, or any three or four of the most notorious, and of the most respectable Americans of the Natchez district; let these gentlemen certify to two copies, and to the original, and let them be transmitted to me through different channels. P. to take charge of the original. Mr. P. must take with him credentials from the Government of Louisiana, acquitting him of any political connexion or agency injurious or hostile to the interests of the United States. He must carry to Philadelphia testimonials of his family and char-

acter, addressed to as many of the native respectable merchants of that city as possible; these may be readily procured from New Orleans and the Havana.

It is indispensable that P. should meet me in Philadelphia; for the rest, let him rely on my friendship and address. To collect from Bradford every information respecting the Pittsburg insurrection which may be employed, should it be found necessary, to disgrace certain persons; to bear no paper about him which carries my name upon it.

Employ the \$640. *avec le cargaison*, to pay expenses, and lay in a cargo of best flour, *pour la ville*, where it will help to reimburse. In making your settlement, take care to secure me the \$640 advanced, and bring them with you. I have urged, peremptorily, the necessity of your presence at the metropolis. Bring me N——n, if, upon examination, you find his presence of more consequence than his deposition, when taken as directed. I believe he was caused to desert by O'Hara; probe him to that point. You are to bring me papers, but my name is not to be written or spoken. You must do the needful below to expose and detect past treachery or indiscretion, and to prevent either in future. I have referred particularly on this head. I shall expect you impatiently. Should I continue where I am, I shall wish you near me; if I cross the water, you are to accompany; bring every credential of family and fortune, to repulse the insinuations of —. Trust something to my address, and put faith in my honor and affections to the grave.

No. 36.—Letter from Thomas Power to the Baron de Carondelet, dated

NEW ORLEANS, May 9, 1797.

Enclosed your Excellency will receive the documents relative to my last confidential expedition, made by your Excellency's order in the Ohio, of which I have already given you a narrative as well verbal as in writing. The remarks which follow will serve for its elucidation.

I left New Madrid with ten oarsmen and a patrol; the provisions which were delivered to the crew, were biscuits for a month, meat for a month, rum for fifteen days.

To disguise, as far as possible, the true object of the expedition, we had hired the people, under the same conditions as are common in commercial voyages, so that the monthly rations allowed by the King did not even last fifteen days. The reason why I issued to the crew two extraordinary allowances of liquor daily, counting from the day we left Red Bank until our arrival at the falls of Ohio, was to encourage them to row with vigor, that Lieutenant Steel, whom I thought in pursuit of me, might not again take me, because, had I fallen into his hands a second time, I was lost. As respects the one hundred and fifty dollars, for the horse which I bought to make the journey from Frankfort to Cincinnati, and the expenses which accrued on this journey, they were indispensable for a double motive: to carry my com-

Brigadier General James Wilkinson.

plaint against Steel, for having offered so great an insult to our flag, and to give advice of my arrival to the American General, Mr. James Wilkinson, that he might take the necessary measures. I have to add, that the motive which has induced me to dispose of the merchandise which I received of I. and A. Hunt, in exchange for the coffee and sugar, was to give credit to the opinion which I myself had raised, that I had come to purchase horses to take to Natchez, in order to better the breed in that district. Besides this, as the occurrence with Steel had awakened suspicions, excited apprehensions, and attracted the attention of the inhabitants of the Western country, all had their eyes directed on me, so that I found myself obliged to do something which should please them, that it might serve me as a safe conduct to quit those parts, which, by this means, I happily effected. The mare, of which the statement No. 1 makes mention, was lost on my arrival at New Madrid, in the woods, where she died of thirst, the excessive frosts having entirely frozen up the waters. The stud horse I delivered on going down to Don Manuel Gayoso de Lemos, but he returned him to me a short time since, and I have him carefully kept until your Excellency is pleased to make some disposition respecting him. Of the sum of \$9,640, which I was to deliver to Mr. James Wilkinson, I have only delivered him nine thousand, having retained the \$640 to avoid the unfortunate result with which I was threatened, and likewise to provide what was necessary for the crew during the voyage. The following are the documents which are enclosed:

No. 1. The account sale of the merchandise laden, &c.

No. 2. Account of expenses for the crew.

No. 3. Account and expenditure of the \$640.

No. 4. Statement which shows in what manner the merchandise has been made use of.

No. 5. Statement which shows what is due to me.

No. 6. Invoice of I. and A. Hunt.

All which were accompanied with the obligation of Mr. N. Welch for \$105, and the two receipts of Mr. Boyd, the one for \$466 $\frac{2}{3}$ for the value of a horse, the other for \$200, for the value of a mare. The balance which appears in my favor, according to the statement Nos. 3 and 4, as well as the account of my monthly pay for fourteen months, I beg your Excellency will be pleased to direct that it should be remitted to me, or delivered to Mr. Philip Nolan, to whom I have given advice on the subject.

Mr. James Wilkinson, in the instructions which he has given me, directs that I should present to your Excellency the account of the expenses to which the \$640 have been applied, (and I have done so in the statement No. 3.) that he may be reimbursed said amount. The instruction says, "in making your settlement take care to secure me the six hundred and forty dollars advanced, and bring them with you." Although he charged me to take them to him in the United States, I am of opinion that no one is better suited to remit them than Mr. Philip Nolan, as your Excellency

has now resolved that I should remain in this province; your Excellency will please to suffer me to assure you that in every particular, I have acted with prudence, with honor, and the disinterestedness of an honest man, as well as with the zeal and fidelity which the King's service requires, and with the vigilance and activity which the arduous enterprise I was engaged in demanded. I deserve nothing, and expect nothing, for having fulfilled the obligations of a good subject to His Majesty, unless your Excellency will be pleased to procure me opportunities of displaying the inclination I feel of sacrificing myself for the prosperity of my country and glory of my Sovereign. God preserve your Excellency many years.

THOMAS POWER.

No. 37.—Answer to the foregoing.

NEW ORLEANS, May 28, 1797.

There remains in my hands six documents relative to the account of the last expedition which you made in the Ohio, and which you enclosed me in your official letter of the 9th instant, and they are as follows:

No. 1. Account sales of the effects laden at New Madrid.

No. 2. Another, of the expenses of the crew.

No. 3. Account of the expenditure of the \$640.

No. 4. Statement which shows how the merchandise has been employed.

No. 5. Statement which shows the balances due to you; and

No. 6. Original invoice of I. and A. Hunt.

On account of it there will be delivered to you \$1,000, that you may make preparations for your journey, in the new commission which I entrust to your care.

It is necessary to see how you can get rid of the horse, with the least possible loss, as well as to recover the debt of Nicholas Welsh, or have it recovered, for which purpose I enclose you his obligation; and likewise the proceeds of the merchandise, which, to the amount of \$353, you delivered to Don Pedro Derbigny, in order to give an account to the Court without these balances, which caused trouble, and appear speculations, when they are no more than the effect of necessity, and the difficulty which these commissions cause, in places where there are no resources, when you have to deceive the vigilance of spies.

As you finish these matters, and as soon as your present commission is fulfilled, you will give me advice.

DE CARONDELET.

To Mr. THOMAS POWER.

We whose names are hereunto subscribed, do severally swear and declare, that we were well acquainted with the handwriting of the Baron de Carondelet, late Governor General of the province of Louisiana, and that we have no doubt that the letters hereunto annexed, dated severally the 23d of April, 1797, and 26th of May, 1797, are in the proper handwriting of the said Baron de Carondelet, as also the signature to the same.

Brigadier General James Wilkinson.

And we do also declare in like manner, that we are acquainted with the handwriting of Don Andres Armesta, late Secretary of the Government, and that the letter hereunto annexed, dated 28th May, 1797, is in the handwriting of the said Don Andres, and the signature thereunto affixed is in the proper handwriting of the said Baron de Carondelet.

P. PEDESCLAUX, *Not. Pub.*
S. DE QUINONES, *N. P.*
N. BROUTIN, *N. P.*
J. J. BLACHE,
G. DUBUYS.

Signed in my presence, by Pierre Pedesclaux, Stephen de Quinones, Narcissus Broutin, J. J. Blache, and G. Dubuys, and duly sworn before me, this 17th March. 1809.

ELIPHALET FITCH,
Notary Public and J. P.

No. 38.

NEW ORLEANS, May 26, 1797.

I have received, sir, your letters of the 5th, of the 7th, 12th, 13th, and 10th of May, and I briefly answer them in fulfilling your wishes, because I entrust to you a commission of the greatest consequence, which does not compromise you in any manner, it being, however, well understood that you carry with you no paper which may make mention of it, as it procures you a sum of money, which you state to me you are in need of; in fine, it renders you independent, and procures me the opportunity of recommending you to the Minister of State. No one will be informed of it, not even the Intendant; there will be none but Don Andres and myself who will be acquainted with the true motive.

General Wilkinson having informed the Commandant at New Madrid that he is getting ready a detachment of the Army, which he has at his orders, to take possession of the forts of Natchez, and Walnut Hills, in conformity to the second article of the treaty of friendship, limits, and navigation, concluded with Spain, hoping that it will be faithfully observed; and it having appeared proper to him to give this advice, in order to prevent any misapprehension of the motives which direct this movement of their troops, &c. it is very natural that I should answer him that, in the first place some doubts have arisen respecting the manner in which the posts are to be withdrawn on the part of Spain; that is to say, if they ought to be delivered with their fortifications and edifices, as the United States understand it, or simply evacuated, razed, and abandoned, as I comprehend it, avoiding in this way to compromise us with the nations who have ceded to us the territories of the Bluffs, Walnut Hills, and Confederation, under the express condition that we should build forts there, to prevent their lands being taken from them. I had resolved, in regard to this point, to await the decision of the Court, or the Minister Plenipotentiary near the United States, as well as theirs; but being informed shortly afterwards that the above mentioned Minister had informed

the President that an English expedition had left Montreal with the intention of attacking the Illinois, had wintered on the lakes, and was to traverse the territory of the United States, in order to attack Upper Louisiana, and had demanded that, in virtue of the last treaty, the said States should oppose, by efficacious means, this violation of their territory, I then determined to retain the forts of Natchez and Walnut Hills, to place Lower Louisiana in safety, until the most efficacious measures, on the part of the United States, shall put it in safety from this danger, and until a sufficient corps of troops, commanded by an officer of superior rank, should present himself to take possession of Natchez, maintain good order there, and restrain the robberies and difficulties with the Indians, conformable to the fifth article of the treaty cited by the said General; that, in consequence, I am ready to evacuate the posts of Natchez and Walnut Hills, on the arrival of the detachment which he announces by his letter, dated from Fort Washington, as soon as ever the Congress have agreed with the Minister Plenipotentiary of His Majesty on the way in which the said evacuation is to take place; but until this decision is made, I request he will suspend the march of the said detachment, whose presence could not fail to disturb the tranquillity of the province, and perhaps the good intelligence which I wish to maintain between the subjects of the two Powers. You will be the bearer of this letter, and if you believe you can prevent the American detachment from descending the river, you will deliver a duplicate of it to the commandant, requesting him to wait new orders from his general.

The second object of your commission, which no one must penetrate, and which for this reason you must retain in your memory, is to sound and examine the dispositions of the people of the Western States, whose militia it is reported to me has received orders to be ready to march on the first advice; and in case that should be true, you will inform the Commandant of New Madrid of it by the first opportunity you find. But in order not to render yourself suspected, you will content yourself with putting the date of your letter at bottom, and will only treat of indifferent subjects. If hostile preparations are making, you will put before your signature a stroke (une barre) like that which freemasons use, and which you see at the bottom of this letter; the number of dots above will designate that of a thousand men, and that below the hundreds, of which this expedition is to be composed; you will point out the number of pieces of artillery, by a number of points placed in your flourish (parafe) according to your custom, the points on the left signifying tens, and those on the right units. This letter will be immediately sent me by the Commandant of New Madrid, in consequence of the orders I shall give him. You may even mention it to him in yours, saying simply saying that it is proper I should be informed, without delay, of your arrival on the Ohio, and that he should send me your letter by express. On your journey you will give to understand adroitly to those persons

Brigadier General James Wilkinson.

to whom you will have an opportunity of speaking, that the delivery of the posts, which the Spaniards occupy on the Mississippi, to the troops of the United States, is directly opposed to the interests of those of the West, who, as they must one day separate from the Atlantic States, would find themselves without any communication from Lower Louisiana, from whence they ought to expect to receive powerful succors in artillery, arms, ammunition, and money, either publicly or secretly, as soon as ever the Western States shall determine on a separation, which must insure their prosperity and their independence; that for this same reason Congress is resolved on risking everything to take these posts from Spain; that it would be forging fetters for themselves to furnish it with militia and means which it can only find in the Western States. The same reasons, diffused abroad by means of the public papers, might make the strongest impression on the people, and induce them to throw off the yoke of the Atlantic States; but at the very least, if we are able to dissuade them from taking part in this expedition, I doubt whether the States could give law to us with such troops alone as they have now on foot.

If a hundred thousand dollars distributed in Kentucky could cause it to rise in insurrection, I am very certain that the Minister, in the present circumstances, would sacrifice them with pleasure; and you may, without exposing yourself too much, promise them to those who enjoy the confidence of the people, with another equal sum to arm them, in case of necessity, and twenty pieces of field artillery.

You will arrive without danger, as bearer of a despatch for the General, where the army may be, whose force, discipline, and dispositions, you will examine with care; and you will endeavor to discover, with your natural penetration, the General's dispositions. I doubt that a person of his character would prefer, through vanity, the advantage of commanding the army of the Atlantic States, to that of being the founder, the liberator—in fine, the Washington of the Western States. His part is as brilliant as it is easy; all eyes are drawn towards him; he possesses the confidence of his fellow-citizens, and of the Kentucky volunteers; at the slightest movement the people will name him the General of the New Republic; his reputation will raise an army for him, and Spain, as well as France, will furnish him the means of paying it. On taking Fort Massac, we will send him instantly arms and artillery; and Spain, limiting herself to the possession of the forts of Natchez and Walnut Hills, as far as Fort Confederation, will cede to the Western States all the eastern bank to the Ohio, which will form a very extensive and powerful Republic, connected by its situation, and by its interest with Spain, which, in concert with it, will force the savages to become a party to it, and to confound themselves in time with its citizens. The public is discontented with the new taxes; Spain and France are enraged at the connexions of the United States with England: the army is weak, and devoted to Wilkinson; the threats of Congress

authorize me to succor on the spot, and openly, the Western States; money will not then be wanting to me, for I shall send without delay a ship to Vera Cruz in search of it, as well as of ammunition; nothing more will consequently be required but an instant of firmness and resolution to make the people of the West perfectly happy. If they suffer this instant to escape them, and that we should be forced to deliver up the posts, Kentucky and Tennessee, surrounded by the said posts, and without communication with Lower Louisiana, will ever remain under the oppression of the Atlantic States.

If you represent forcibly these reasons to Wilkinson, Sebastian, La Cassagne, &c., and if you diffuse these notions among the people, gaining by promises which shall be faithfully realized the best writers, as Breckenridge and others, you will be able to effect the most fortunate and the most glorious commotion; you will cover yourself with glory, and you may expect the most brilliant fortune. If, on the contrary, you should fail in this commission, it will not deprive me of the opportunity of obtaining for you, from the Minister, an appointment, which will render you independent of hatred and jealousy.

You must set off without delay, and by land, going straight to Cumberland, as well to avoid Fort Massac as to endeavor to fall in with the American detachment, and persuade it to wait the answer or new orders from General Wilkinson; for, if it arrives at Natchez, there is every reason to believe that we may come to blows, not being of a humor to put up with insults. The Intendant sends an order to pay you \$1,000.

If you could persuade the Commissioner (Mr. Andrew Ellicott) to descend to the capital, I should with the greatest pleasure form an acquaintance with him; and by showing him, without disguise, the copy of the orders which I have sent to Mr. Gayoso, since his arrival at Natchez, he will perceive that my conduct towards the United States is frank, founded on prudence and good faith, and void of the idea of breaking or failing in the articles of the treaty; that, in fine, the unaccountable part of the conduct of the Governor of Natchez only proceeds from the alterations which he has made, of his own accord, in my arrangements. Lastly, you may assure Mr. Andrew Ellicott that I am persuaded, that in a month or two, all the difficulties will be settled by Congress, and by the Minister Plenipotentiary of His Majesty, (Don Carlos Martinez de Yrujo,) and that consequently he would do very ill to withdraw. On the contrary, he may come down conveniently in my barge with Mr. Guillemard, who is desirous of spending a month or two here, while we are waiting the answer of Congress. Mr. Ferrezola has also orders to come to town.

I informed Mr. Gayoso that you are the bearer of the answer to the letter which General Wilkinson has written to the commandant of New Madrid, and that I have given directions to pay you a thousand dollars on account of your last journey, and that you are about to undertake. This suffices. The field which is opened is bril-

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liant enough, but as much prudence as capacity is required, in order to succeed.

I have the honor to be, with the greatest consideration, sir, your very humble and obedient servant,
DE CARONDELET.

Mr. THOMAS POWER.

No. 40.

NATCHEZ, June 4, 1797.

I received yesterday the letter of the 26th May, which you have done me the honor to write me, and which the preparations for my journey do not permit me to answer but very briefly. I have received of Mr. Gayoso the despatch of General Wilkinson, together with the copy, in order to make use of it as circumstances may require. With respect to the second object of my expedition, (which is the most interesting, as nothing can coincide better with my inclination,) you may depend that I will acquit myself of it with all the fidelity and zeal which you know me to possess, and with that good understanding, resulting from a perfect knowledge of the place and persons with which we are concerned. To avoid the possibility of a mistake in the communication which I shall have to make to the commander of New Madrid, I will explain what I mean to give you to understand by my signature. This bar, with the dots before the signature, signifies 4,600 men. In the flourish, the dots to the left of the small stroke are tens, and of the right are units; so that they mean thirty-five pieces of artillery. The date at the bottom of my letter will simply signify that the militia are on foot, and ready to march. The remarks which your letter contains, are well adapted to cause the strongest sensations in Kentucky—as much on the people as on General Wilkinson, and other distinguished characters; and I will not fail to represent them in that point of view which is the most striking, and I will strengthen them with those which the study I have made of their interests and the ardor with which I desire to see their decision may suggest. However, I will use wisdom and prudence in my measures, not to compromise myself; and all imaginable precautions will be necessary, on my part, in order not to let slip anything which may give light to my design; for, whenever they see me enter their territory, their mistrust and their jealousy causes them to suspect that I have secret objects in view. I will tell Wilkinson that the difficulty and the danger of carrying money by land have prevented you from sending the 640 piastres. The ambition and politics of this General are a certain warrant to me that he will support our plans (which have always been his) with all his influence. And we may rely upon Nicholas, Sebastian, Innes, Murray, and Clarke, in a word, on all those who are attached to Wilkinson, and also those who were to compose the army of Clarke. The principal characters of the place are united to us by ambition and interest; and an excessive Gallicism and a love of change answer for the support

of the people, who will willingly submit to your project. If I give credit to my presentiment, our success is infallible. There are so many powerful motives which should lead the Western States to take this step, that we should be permitted to believe that they had lost their senses if they flinch. As to myself, I will spare neither pains nor labor for the success of this important revolution. And I have to request of you, that you will deign to accept of my most sincere acknowledgment, as well for having launched me out in a career so glorious and so brilliant, as for protecting me from jealousy and hatred. I have seen Ellicott: I told him what you communicated to me about him, and he was very well satisfied with it. He spoke of you in the most flattering terms, and requested me to present you his best respects, and to assure you, that, however affairs may turn out, he will not leave the province without seeing you. The 1,000 piastres have been delivered to me, and I only wait a horse to set off. Do not cease to trust in my zeal, vigilance, and courage.

I have the honor to be, with most profound respect, and most sincere acknowledgment, sir, &c.

THOS. POWER.

Mons. DE CARONDELET.

No. 42.

General Wilkinson to Mr. Power.

HEADQUARTERS, DETROIT, Sept. 5, 1797.

SIR: I have the last moment received your letter of the day, which occasions me much surprise.

At our first interview, the night before last, I expressed to you the necessity of your speedy return, by the shortest route, to the Baron de Carondelet, with the answer to the letter which you bore me from him. You offered no objection to this proposition, except the incapacity of your horses for the journey, which I immediately agreed to remove by furnishing others.

You at the same time complained to me of violence and outrage which you had experienced on your journey to this place—being at one time stopped, and at another time pursued, seized, and examined in every particular of person, baggage, and papers. It seems a little singular that you should incline to retrace a route in which you had suffered such abuse, when a secure and convenient one is proposed to you.

As no man can more highly appreciate the rights of treaties and of individuals than myself, and as I am well apprized of the obligations subsisting between the United States and His Catholic Majesty, I am among the last men on earth who would wantonly or capriciously question the compacted rights of the two sovereignties, their citizens or subjects.

But, as you have approached me in a public character, and on national business, which requires my speedy answer to the letter of the Governor of Louisiana, whose messenger you are, I cannot consider you so far a free agent as to elect the time or route for your return; but that you stand bound by motives of political import, as well to

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Spain as to the United States, to consummate the objects of your mission with all possible promptitude; and, of consequence, that all objects of a private or personal nature must yield to the obligations of public duty.

I therefore, sir, cannot recede from my purpose, and will hope you may be prepared to take your departure early to-morrow morning, in the company of Captain Shaumburg, who will be instructed to attend you to New Madrid, and who will receive and forward any letter you may wish to send to the falls of Ohio, from the most convenient point of your route.

With due consideration, I am, sir, your most obedient servant. JAS. WILKINSON.

Mr. THOMAS POWER.

No. 43.

On the 3d of June last, I received the Baron de Carondelet's letter, dated 28th of the preceding month, accompanied by the instructions there announced, of which I enclose copies Nos. 1 and 2. In consequence of the orders and intention which his Excellency has deemed proper to advise me of in them, I took the necessary steps for the journey, and set out on the 8th of the same month. Having lost my horses the day I set out from bayou Pierre, and by other unforeseen and unavoidable accidents, my arrival at Nashville (capital of Cumberland) was retarded until the 5th of July, where I was compelled to remain some days, as well to execute with exactness my private instructions, carefully to examine the dispositions of its inhabitants, with respect to the difference then existing between the United States and us, and to ascertain, definitively, the part which they intend to take in the present crisis, as also to lessen the difficulties which were rising, to provide against doubts, and avoid the dangers which would not fail to result from the rumors spread among the public as to the true object of my journey. The magistrate, Mr. J. Gordon, detained me some days.

Having done away and overcome these difficulties, I pursued my journey to Louisville, where I had an interview with Mr. Benjamin Sebastian, to whom, as the above letter mentions, I communicated the apparent motive, and likewise the true cause of my mission. Besides, the propositions expressed in my instructions, not to lose the fruit of my journey, I found myself compelled to add the following, since, without the first, I perceived that neither he nor the other persons interested in this important undertaking would have taken the necessary measures for the happy issue of it. In the first place, I have agreed, that whenever one of those who favored the fomentation of the projects of the Baron should, by this means, lose his office, he shall receive from the King an indemnification, with the emoluments which he enjoyed.

2d. That the boundary line on the north, between the territory of His Majesty and that of the new States of the east, must begin at the mouth of the river Yazoo, and extend in that

direction as far as the Tombigbee; that the last strong post or Spanish settlement on said river be six miles within His Majesty's territories.

3d. That the place called St. Fernando de las Barrancas, with all the land granted to Spain by the Chicacha nation, in the treaty made with her by Mr. M. G. de Lemos, must remain in His Majesty's possession.

4th. That the King is not to interfere, neither directly or indirectly, in the formation of the government or laws which they may think proper to establish.

Consequent to these objects, we resolved that he should make them known to Messrs. Nicholas, Innes, Todd, and other persons in whom he confided, who were zealous for the improvement, prosperity, and independence of Kentucky, &c., absolutely refusing to speak to Murray or Breckinridge on the subject, as he mistrusted both. The first is given to drink, infidelity, and perfidy; the other is notorious to hold conferences with them, directed towards verifying the desires of the Baron, and concert measures to that effect. In the mean time, I should continue my journey to Detroit, where General Wilkinson was, as well to deliver him the Baron's letter, as to conceal the object of my mission, and avoid what was plotting against me at Louisville, whose inhabitants were very mutinous at my arrival in the country, and were openly threatening me. We agreed, also, that on my return I should pass through Greenville, Cincinnati, Newport, Georgetown, Lexington, Frankfort, &c., to see the gentlemen above-mentioned, and inform myself thoroughly of the result of their conferences; and that he, (Sebastian,) with another appointed person, should accompany me as far as New Orleans. Notwithstanding, Don B. Sebastian is persuaded that, for the present, all the means and endeavors used to stimulate the inhabitants in the Eastern States to separate themselves from the Confederation will be useless, still he will not fail to exert his utmost to obtain what we so anxiously desire.

To return to my journey. I sat out from Louisville the — of July, to arrive at Detroit as soon as possible, and the following day I met with the accident manifested in the documents No. —. Note, that on the 16th of July, I wrote to Captain Isaac Guyon, forwarding him the copy of the Baron de Carondelet's letter to General James Wilkinson; I enclosed a copy of mine to said Captain Guyon, No. —. Nothing new presented itself in the course of my journey, and I arrived in the neighborhood of Detroit on the 16th of August. I was informed that General Wilkinson had set out for Michilimackinac; in consequence of which I did not enter the post until the 24th, which was the day they expected him, but he did not return before the 3d or 4th of September. Before he arrived, as soon as he knew that I was there, he ordered me to remain arrested in the quarters of the officers. On the 6th he delivered me his answer to the Governor's letter, obliging me (*contra jus gentium*) to return to New Madrid, by Wabash, under a guard, com-

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manded by Captain Bartholomew Shaumburg, as is proved, not only by my correspondence with him on the subject, which is copied in No. —, No. —, and No. —, but also by the annexed declaration of Shaumburg, No. —. On my arrival at Post Vincennes, I dispatched an express to Louisville, with a letter for Benjamin Sebastian, a copy of which goes enclosed, No. — advising him of what had occurred, and informing him minutely of the motives which prevented me from complying with my promise given him. On the 10th of October we arrived at New Madrid, without any particular occurrence. I remained in that place fifteen days, waiting for Mr. Sebastian. Finally, seeing that he did not come, and not hearing from him, I departed on the 24th of October, but by low tides, bad weather, and winds from the southward, I did not arrive at this capital before the 30th of last month. Captain Shaumburg, by order of General Wilkinson, and on account of the United States, defrayed all the expenses of our voyage from Detroit to New Madrid. But let us return to the object of my mission.

General Wilkinson received me very coolly. During the first conference I had with him, he told me very bitterly, "we are both lost, without being able to derive any advantage from your journey," and asked me afterwards if I had brought him the \$640; he added, that the Executive had given orders to the Governor of the Northwest Territory to take and send me to Philadelphia; that there was no other resource for me to escape, but by permitting myself to be conducted immediately under a guard to Fort Massac, and from there to New Madrid. Having informed him of the proposals of the Baron, he proceeded to tell me that it was a chimerical project, which it was impossible to execute; that the inhabitants of the Western States, having obtained by treaty all they desired, would not wish to form any other political or commercial alliances, and that they had no motive for separating themselves from the interests of the other States of the Union, even if France and Spain should make them the most advantageous offers; that the fermentation which existed four years back is now appeased; that the depredations and vexations which American commerce suffered from the French privateers had inspired them with an implacable hatred for their nation; that some of the Kentuckians had proposed to him to raise three thousand men to invade Louisiana, in case war should be declared between the United States and Spain; that the latter had no other course to pursue, under the present circumstances, but to comply fully with the treaty, which had overturned all his plans, &c., and rendered useless the labors of more than ten years; that as to him, he said he had destroyed his ciphers, and torn all his correspondence with our Government, and that his duty and his honor did not permit him to continue it; that, withall, the Governor ought not to be apprehensive of his abusing the confidence which he had placed in him; finally, that Spain, by delivering up to the United States the

Territory of Natchez, &c., might perhaps name him Governor of it, and that then he would not want opportunities to take more effectual measures to comply with his political projects. He complains very much that the secret of his connexion with our Government had been divulged, for want of prudence on our part; that he knew in September, of the last year, by means of one of his officers, that Spain had no intention to give up the posts, since the above-mentioned officer saw a letter at Post Vincennes, written by a Spanish officer, of the Illinois, and directed to an inhabitant of that place, in which he tells him that Mr. Audrain has a correspondence with Z. Trudeau, (or makes it to be believed,) and that he communicates to him private affairs of the Government, so that Audrain is accustomed to spread news that, at all events, may cause a rupture in the frontiers; that Mr. Trudeau has conducted himself with a great deal of imprudence, having sent emissaries among the Indians, in the territory of the United States, inviting them to come and establish themselves in that of Spain; telling them that his father, the Spaniard, was at war with the English, and that he would soon make it with the Americans, &c.

With respect to the dispositions of the people of Kentucky, the opinion of Mr. Sebastian differs very much from that of General Wilkinson. He says, that even if war is declared between Spain and the United States, we will have nothing to fear from the Kentuckians; and he has not omitted to insinuate that it would be the most efficacious mode to spur them on to take a violent part against the Eastern States. Without considering the many representations which, verbally and in writing, I have made to your Excellency, and to the Baron de Carondelet, on this subject, I will recapitulate, in a few words, the result of my many observations, made with the most scrupulous attention.

A great portion of the principal characters in Kentucky, Cumberland, and the Northwest Territory, have been instigators of the expedition of Genet and Clarke against this province, consequently they are enemies of those who are of the French; more than one-half of the rest are those who take the greatest interest in a more intimate union of the Western States with us; and many of those who remain, as they are not very desirous of gaining conquests over Spain, but only to preserve the limits and privileges marked in the treaty, will do what they can, in order to avoid hostilities. The people permit themselves to be implicitly governed by one of the parties mentioned; so that, considering these circumstances, we may labor under no apprehensions on this account. But other more weighty reasons oppose to their declaring themselves independent of the Eastern States. I will content myself with relating the principal one: Whilst they will be making a treaty with the Government of Louisiana, what certainty will they have that the Cabinet of New Madrid is not making a treaty, at the same time, very different from what they may have agreed to here? Experience has

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taught them, to their misfortune, that this is not a mere conjecture. Three motives alone would be able to impel them to break the confederation with the other States, viz:

1st. War with the Republic of France.

2d. A prohibition to navigate the Mississippi, and to establish themselves in the dominions of the King.

3d. Their incapacity to pay in cash their share of the common duties, (\$28,000,) or to see the Government intent on recovering it by force.

These are the axes upon which their policy turns. It now remains for me to say something of the military forces of the United States. Their Army amounts to near three thousand men; they consist of four regiments of infantry, one double regiment of artillery, and two companies of cavalry. In each regiment there are eight companies; each company is composed of sixty-five men, including a captain, a lieutenant, and an ensign; but there is not one complete. It must be observed, that the two companies of cavalry amount to one hundred and eighty men; but there are only sixty mounted. Each regiment has a colonel and two sergeant majors. The first regiment, commanded by Colonel Hamtramck, is at Fort Wayne, and the other forts towards Fort Washington; the second, commanded by Colonel Strong, is encamped at Detroit, Michilimackinac, Niagara, Presqu'Isle, Oswego, &c.; the third, commanded by Colonel Gaiher, fortifies the forts of Massac, Barrancas, &c., one or two companies remaining in Georgia; the fourth, commanded by Colonel Butler, is in Tennessee; the artillery men are divided among the forts, although the greatest part does not go from Stony Point, in the Eastern States; the cavalry is divided between Tennessee, Detroit, and Fort Washington. With regard to their forts, as it is a subject of little importance to us, I do not wish to trouble your Excellency with a tedious description of them. There is a strict discipline observed in the Army; the soldiers are almost all youths, from sixteen to twenty-six years of age; they go through some military evolutions with sufficient precision. With respect to the officers, from the lowest to the highest, (excepting very few,) they are deficient of those qualities which adorn a good soldier, except fierceness, and are overwhelmed in ignorance, and in the most base vices.

The influence of General Wilkinson in Kentucky has become very limited; and in the Army, by wishing to establish some innovations, lessens it from day to day. I hope, from what is said on the subject of my mission, that you will be convinced that, if it has not had a more happy issue, it ought not to be attributed in any manner to indiscretion on my part, since it is evident that it sprung from a cause which no human penetration could foresee, and no prudence prevent; and if I have been deficient in the intelligence and capacity which the discharge of my commission required, it will not be boldness in me to say, that the promptitude and zeal, silence and fidelity, which, on more important occasions, I have man-

ifested in the service of His Majesty, have not been of any avail on the present. God preserve you many years.

DECEMBER 5. 1797.

P. S. I enclose you, with the other documents, the account of the expense of the journey, No. 11; that of the six hundred and forty dollars, which General Wilkinson so anxiously solicits, and which he has charged me to receive on his account, I remitted to the Baron de Carondelet in the month of May, of this year. No. 3, with the other documents, those which I received, as stated in his official letter of the 28th of the same month and year, of which I also enclose a copy, No. 12.

Mr. MANUEL GAYOSO DE LEMOS.

No. 70.

General Wilkinson to Thomas Power.

HEADQUARTERS, GREENVILLE,

May 25, 1796.

SIR: The day before yesterday I had the honor to receive a letter from you, under date of the 20th instant, in which you request leave to visit this place, and to proceed by St. Vincennes and the Illinois, to New Madrid. Permit me, sir, to observe, that this precaution was unnecessary, at a time when the United States of America are happily at peace with all the world. In this enviable situation, the officers of the American Army have no concealments to make, and therefore our camps and our forts are free to the ingress and egress of all persons who deport themselves with propriety. I beg you, sir, to believe that, upon an unpleasant occasion, to which you are pleased to refer, my conduct was directed more by the delicacy of my own situation than any sense of your demerit. Neither my sympathies nor my antipathies have ever gained such an ascendant over my reason, as to incline me to condemn upon hearsay, or to adopt the prejudices of any man. I thank you, sir, for the trouble you have given yourself, in bringing forward the segars committed to your charge by my very worthy friends, Governor Gayoso and Don Andres; and I have the honor to be, with due consideration, sir, your most obedient servant,

JAMES WILKINSON.

Mr. THOMAS POWER.

No. 44.

NEW ORLEANS, April 23, 1797.

SIR: I have received the letter you honored me with, which I have not been enabled to answer sooner on account of a multiplicity of occupations. In consequence of the news which I have received from our Envoy towards the United States, that the English are going to attack the Illinois, I am compelled to change anew the arrangements I had taken to begin the delineation of the limits; because, if the expedition is of sufficient consequence to take possession of St. Louis, which, as you know very well, has but a very bad fort, only calculated to silence the sav-

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ages, we have nothing remaining as far as Nogales that could stop the enemy, and protect Lower Louisiana; in consequence of which, I have ordered Mr. Gayoso to make known to Mr. Ellicott, and the commander of the American detachment, that I find myself compelled to put Nogales in a state of defence, and to forward there all the troops and artillery existing at Natchez, where I shall leave but fifty men, commanded by Don Manuel Lanzos, Mr. Gayoso being compelled to go with Messrs. Guillemond and Perchet to Nogales to hasten the preparations. Finally, I am going, moreover, to send up to Nogales a company of grenadiers. As it is requisite that at Natchez there should be an intelligent person who should watch, and be informed of, the steps taken by the Commissary and commanding officer, I have ordained that you should serve Mr. Lanzos as secretary and interpreter, who is not deficient in finesse; and that Vidal shall accompany Mr. Gayoso to Nogales, or to the Illinois, with money and despatches which I send there. You must send me an exact information of all that passes worthy mentioning, and endeavor to insinuate yourself into the confidence of the American commander, whom you must endeavor to make opposed to Ellicott; even if it should cost you some hundred dollars in presents to the King, let that be no obstacle, and I assure you that they will be satisfied; by these means we will reduce Ellicott to be unable to act by himself, and we would be safe on that quarter.

The Envoy of His Majesty has intimated to the Minister of Foreign Affairs that the English expedition could not arrive at St. Louis de Illinois without violating the American territory, and that he expected that the United States would be opposed to their passage, and observe exactly the last treaty concluded with Spain. If the contrary happens, I doubt not but it will be annulled. At the Havana are expected twelve thousand Spanish troops. The reception you met with from Mr. Gayoso does not astonish me; but I am exactly of your opinion relative to the consequences which will follow. It is impossible that the wise inhabitants of Natchez can agree to a step which, by insulting a Power jealous of its power, would expose them to certain ruin, and to be disavowed by the United States, who, assuredly, will not undertake a war against Spain and France to maintain a step taken against the law of equity, and of the rights of nations. I believe it so very improbable, that I cause to retire, as I told you, the troops, and I only leave a detachment to maintain good order, and to repel the insults of the savages. As to Mr. Ellicott, whose conduct towards me has been very unbecoming, can be very easily recalled, or at least restricted to the only commission of the limits, because I have strongly written to the Envoy of His Majesty and to the Prince of Peace.

It appears that the beginning of this misunderstanding between Mr. Gayoso and Mr. Ellicott, as Mr. Nolan told me, proceeds from the following cause: that some Choctaw savage having drank to excess, got in dispute with some of the

servants of the latter gentleman, who thought that the Governor had made them inebriated to cause them to put him and his people to the sword; so much so that Nolan has been compelled to remain two nights in his camp to tranquillize him. What lowness in a man who boasts of the title of the representant of a nation! It was I who ordered that the American detachment might remain near Mr. Ellicott, and I disapproved, from the first moment, the opposition which was made. If Mr. Ellicott had officially informed me of his entering my province, as it is customary, and had addressed himself to me on account of motives of complaint which he thought just, I should have acted with frankness towards him, and nothing of that kind would have happened, except the suspension of the evacuation of those posts which depend on me, not thinking myself authorized to deliver them up with their fortifications and edifices, as General Wayne and Don Andres Ellicott exacted.

I have thought it very strange that the American flag should be permitted to be hoisted before the door of Ellicott. I could not help observing it, although I do not wish to sour them by commanding it to be taken away.

I have just written to W. and sent my letter to Mr. Nolan, a fine young man, and of whom I think highly. He told me he had a secure conveyance to forward it to him. It had been a long time since I wrote him, not having an opportunity, and fearing to compromise.

Farewell; let me hear from you, and command him who has the honor to be, with the greatest consideration, sir, your very humble and obedient servant,

DE CARONDELET.

P. S. The Envoy of His Majesty towards the United States has sent to the Illinois the French engineer, Mr. Finiels, to fortify it if there is time; but he will have found there Vandenbenden occupied at the same thing. Do you know the former?

No. 45.—Deposition of Daniel Clarke.

WASHINGTON CITY, Jan. 11, 1808.

In obedience to the direction of the House of Representatives, expressed in the resolution of Friday last, I submit the following statement:

I arrived from Europe at New Orleans in December, 1786, having been invited to the country by an uncle of considerable wealth and influence, who had been long resident in that city. Shortly after my arrival I was employed in the office of the Secretary of the Government. This office was the depository of all State papers. In 1787 General Wilkinson made his first visit to New Orleans, and was introduced by my uncle to the Governor, and other officers of the Spanish Government.

In the succeeding year, 1788, much sensation was excited by the report of his having entered into some arrangements with the Government of Louisiana to separate the Western country from the United States; and this report acquired great

Brigadier General James Wilkinson.

credit upon his second visit to New Orleans in 1789. About this time I saw a letter from the General to a person in New Orleans, giving an account of Colonel Connelly's mission to him from the British Government in Canada, and of proposals made to him, on the part of that Government, and mentioning his determination of adhering to his connexion with the Spaniards.

My intimacy with the officers of the Spanish Government, and my access to official information, disclosed to me shortly afterwards some of the plans the General had proposed to the Government for effecting the contemplated separation. The general project was, the severance of the Western country from the United States, and the establishment of a separate Government, in the alliance and under the protection of Spain. In effecting this, Spain was to furnish money and arms; and the minds of the Western people were to be seduced and brought over to the project, by liberal advantages resulting from it, to be held out by Spain. The trade of the Mississippi was to be rendered free, the port of New Orleans to be opened to them, and a free commerce allowed in the productions of the new Government with Spain, and her West India islands.

I remember about the same time to have seen a list of names of citizens of the Western country, which was in the handwriting of the General, who were recommended for pensions, and the sums were stated proper to be paid to each, and I then distinctly understood that he and others were actually pensioners of the Spanish Government.

I had no personal knowledge of money being paid to General Wilkinson, or to any agent for him on account of his pension, previously to the year 1793 or 1794. In one of these years, and in which I cannot be certain until I can consult my books, a Mr. La Cassagne, who I understood was postmaster at the falls of Ohio, came to New Orleans, and, as one of the association with General Wilkinson in the project of dismemberment, received a sum of money, four thousand dollars of which, or thereabout, were embarked by a special permission, free of duty, on board a vessel which had been consigned to me, and which sailed for Philadelphia; in which vessel a Mr. La Cassagne went passenger. At and prior to this period I had various opportunities of seeing the projects submitted to the Spanish Government, and of learning many of the details from the agents employed to carry them into execution.

In 1794, two gentlemen, of the names of Owens and Collins, friends and agents of General Wilkinson, came to New Orleans. To the first was entrusted, as I was particularly informed by the officers of the Spanish Government, the sum of six thousand dollars, to be delivered to General Wilkinson on account of his own pension, and that of others. On his way, in returning to Kentucky, Owens was murdered by his boat's crew, and the money, it was understood, was made away with by them. This occurrence occasioned a considerable noise in Kentucky, and contributed with Mr. Power's visits at a subsequent period,

to awaken the suspicion of General Wayne, who took measures to intercept the correspondence of General Wilkinson with the Spanish Government, which were not attended with success.

Collins, the co-agent with Owens, first attempted to fit out a small vessel in the port of New Orleans, in order to proceed to some port in the Atlantic States; but she was destroyed by the hurricane of the month of August, 1794. He then fitted out a small vessel in the bayou St. John, and shipped in her at least eleven thousand dollars, which he took round to Charleston.

This shipment was made under such peculiar circumstances that it became known to many, and the destination of it was afterwards fully disclosed to me by the officers of the Spanish Government, by Collins, and by General Wilkinson himself, who complained that Collins, instead of sending him the money on his arrival, had employed it in some wild speculations to the West Indies, by which he had lost a considerable sum, and that, in consequence of the mismanagement of his agents, he had derived but little advantage from the money paid on his account by the Spanish Government.

Mr. Power was a Spanish subject, resident in Louisiana, and the object of his visits to the Western country became known to me in 1796, when he embarked on board the brig Gayoso, at New Orleans, for Philadelphia, in company with Judge Sebastian, in which vessel, as she had been consigned to myself, I saw embarked, under a special permission, four thousand dollars or thereabout, which I was informed were for Sebastian's own account, as one of those concerned in the scheme of dismemberment of the Western country.

Mr. Power, as he afterwards informed me, on his tour through the Western country, saw General Wilkinson at Greenville, and was the bearer of a letter to him from the Secretary of the Government of Louisiana, dated 7th or 8th of March, 1796, advising that a sum of money had been sent to Don Thomas Portell, commandant of New Madrid, to be delivered to his order. This money Mr. Power delivered to Mr. Nolan by Wilkinson's directions. What concerned Mr. Nolan's agency in this business I learned from himself, when he afterwards visited New Orleans.

In 1797, Power was entrusted with another mission to Kentucky, and had directions to propose certain plans to effect the separation of the Western country from the United States. These plans were proposed and rejected, as he often solemnly assured me, through the means of a Mr. George Nicholas, to whom, among others, they were communicated, who spurned the idea of receiving foreign money. Power then proceeded to Detroit to see General Wilkinson, and was sent back by him under guard to New Madrid, from whence he returned to New Orleans. Power's secret instructions were known to me afterwards, and I am enabled to state that the plan then contemplated entirely failed.

At the periods spoken of, and for some time afterwards, I was resident in the Spanish territory,

Brigadier General James Wilkinson.

subject to the Spanish laws, and without any expectation of becoming a citizen of the United States. My obligations were then to conceal, and not to communicate to the Government of the United States the projects and enterprises which I have mentioned of General Wilkinson and the Spanish Government.

In the month of October of 1798, I visited General Wilkinson, by his particular request, at his camp at Loftus Heights, where he had shortly before arrived. The General had heard of remarks made by me, on the subject of his pension, which had rendered him uneasy, and he was desirous of making some arrangements with me on the subject. I passed three days and nights in the General's tent. The chief subjects of our conversation were the views and enterprises of the Spanish Government in relation to the United States, and speculations as to the result of political affairs.

In the course of our conversation, he stated that there was still a balance of ten thousand dollars due him by the Spanish Government, for which he would gladly take in exchange Governor Gayoso's plantation near Natchez, who might reimburse himself from the treasury at New Orleans. I asked the General whether this sum was due on the old business of the pension; he replied that it was, and intimated a wish that I should propose to Governor Gayoso a transfer of his plantation for the sum of money due him from the Spanish treasury. The whole affair had always been odious to me, and I declined any agency in it. I acknowledged to him that I had often spoken freely and publicly of his Spanish pension, but told him I had communicated nothing to his Government on the subject. I advised him to drop his Spanish connexion. He justified it heretofore from the peculiar situation of Kentucky; the disadvantages that country labored under at the period when he formed his connexion with the Spaniards; the doubtful and distracted state of the Union at that time, which he represented as bound together by nothing better than a rope of sand; and he assured me solemnly that he had terminated his connexions with the Spanish Government, and that they never should be renewed. I gave the General to understand that, as the affair stood, I should not in future say anything about it. From that period until the present, I have heard one report only of the former connexion being renewed, and that was in 1804, shortly after the General's departure from New Orleans. I had been absent for two or three months, and returned to the city not long after General Wilkinson sailed from it. I was informed by the late Mayor, that reports had reached the ears of the Governor, of a sum of ten thousand dollars having been received by the General, of the Spanish Government, while he was one of the commissioners for taking possession of Louisiana. He wished me to inquire into the truth of them, which I agreed to do, on condition that I might be permitted to communicate the suspicion to the General, if the fact alleged against him could not be verified. This was assented to. I made the

inquiry, and satisfied myself, by an inspection of the treasury book for 1804, that the ten thousand dollars had not been paid. I then communicated the circumstance to a friend of the General, Mr. Evan Jones, with a request that he would inform him of it. The report was revived at the last session of Congress, by a letter from Colonel Ferdinand Claiborne, of Natchez, to the delegate of the Mississippi Territory. A member of the House informed me that the money in question was acknowledged by General Smith to have been received at the time mentioned, but that it was in payment for tobacco. I knew that no tobacco had been delivered, and waited on General Smith for information as to the receipt of the money, who disavowed all knowledge of it, and I took the opportunity of assuring him, and as many others as mentioned the subject, that I believed it to be false, and gave them my reasons for the opinion.

This summary necessarily omits many details tending to corroborate and illustrate the facts and opinions I have stated. No allusion has been had to the public explanations of the transactions referred to, made by General Wilkinson and his friends. So far as they are resolved into commercial enterprises and speculations, I had the best opportunity of being acquainted with them, as I was, during the time referred to, the agent of the house who were consignees of the General at New Orleans, and who had an interest in his shipments, and whose books are in my possession.

DANIEL CLARKE.

DISTRICT OF COLUMBIA, to wit:

JANUARY 11, 1808.

Personally appeared before me, William Cranch, chief judge of the circuit court of the District of Columbia, Daniel Clarke, Esquire, who, being solemnly sworn on the Holy Evangelists of Almighty God, doth depose and say that the foregoing statements made by him, under the order of the House of Representatives, so far as regards matters of his own knowledge, is true; and so far as regards the matters whereof he was informed by others, he believes to be true.

Sworn to before me. W. CRANCH.

Papers relative to the third point of inquiry.

No. 45.—[The deposition of Daniel Clarke, before referred to, see above.]

No. 78.—General Wilkinson to General Adair.

RAPIDS OF OHIO, May 28, 1805,

Eleven o'clock A. M.

MY DEAR SIR: I did not answer your letter by Taylor, but I did better; I procured him a pension of twenty dollars per month. I was to have introduced my friend Burr, to you, but in this I failed by accident. He understands your merits, and reckons on you. Prepare to visit me, and I will tell you all. We must have a peep at the unknown world beyond me. I shall want a pair of strong carriage horses, at about one hundred

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and twenty dollars each, young and sound, substantial, but not flashy, I am in health, and, in spite of the neglect of friends, and the shameful omissions of attorneys, have this day given Sir — a damper. Perdition overtake the Jew scoundrel; he had nearly destroyed me by a decree of which I have had no intimation, although it is almost seven years old. Enough for the present. Thine ever.

JAMES WILKINSON.

General ADAIR.

P. S. I sail in an hour. Write me private.

[See evidence of General Wilkinson, as communicated to Congress, 23d November, 1807. See "Annals" 10th Congress, 1st session, page 387. President's Message.]

[See evidence of General Wilkinson, President's Message, ditto.]

X.—General Wilkinson's introduction of Colonel Burr to Daniel Clarke.

MASSAC, June 9, 1805.

MY DEAR SIR: This will be delivered to you by Colonel Burr, whose worth you know well how to estimate. If the persecutions of a great and honorable man can give title to generous attentions, he has claims to all your civilities, and all your services. You cannot oblige me more than by such conduct, and I pledge my life to you it will not be misapplied. To him I refer you for many things improper for a letter, and which he will not say to any other. I shall be at St. Louis in two weeks, and, if you were there, we could open a mine, a commercial one at least. Let me hear from you. Farewell. Do well, and believe me always your friend.

JAMES WILKINSON.

DANIEL CLARKE, Esq.

Papers relative to the fourth point of inquiry.

S.—Deposition of William Simmons, Esq.

DEPARTMENT OF WAR,

Accountant's Office, April 13, 1810.

GENTLEMEN: At the time I attended your honorable committee, in conformity to your summons of the 9th instant, when I was requested to detail any and every information that I possessed in relation to the conduct of Brigadier General James Wilkinson, in answer to the points expressed in the resolution from the House of Representatives, I will now proceed to give such testimony as has come to my own knowledge, and such corroborating information received from others, in my official capacity, on the investigation of the subject which, from the relative comparison, I have every reason to believe are also facts, viz:

In answer to the first part of the inquiry, relative to the Spanish agency, I know nothing about it. In relation to any concern that he might have had in the Burr business, the only information that has come to my knowledge, is in the disbursement of public moneys, drawn from the

public agents at New Orleans, in the year 1807, for the freight of vessels chartered by him to transport prisoners and witnesses from New Orleans to the seat of Government, and sundry advances to witnesses, fees to lawyers, &c., said to be incurred by the conspiracy of Aaron Burr; which disbursements, as well as others to a considerable amount, paid by warrants immediately from this Department, drawn by the former Secretary of War, for sundry objects of the like nature, and for which there was no specific appropriation to which I could charge these expenditures; I was, therefore, unable to credit the agents, or enter the account to any head of expenditure, until the 29th of November, 1809, when the present Secretary of War, to enable me to enter the account, directed that, as the disbursements had been made by virtue of orders from the Department of War, in the years 1806 and 1807, that they were chargeable to the contingent fund of the War Department, there being no other head of expenditure to which they could be properly charged; I have accordingly entered the account, and can give no other information on this subject.

In answer to your inquiry to "state the amount of money received by General Wilkinson in the year 1804, from Josiah Taylor, assistant military agent at New Orleans for public service," I reply that the only money he appears to have received from Taylor, at any time, on public account, is a sum of three thousand dollars, received on the 24th April, 1804.

In answer to your inquiry relative to extra rations claimed by General Wilkinson, and how allowed, I reply that, in January, 1809, an account was presented to me, admitted by Henry Dearborn, Secretary of War, for extra rations claimed by General Wilkinson, as commanding officer at Natchitoches and New Orleans, from the 13th of September, 1806 to the 24th of May, 1807, at thirty-six rations per day, including a charge for quarters, stabling, &c., amounting to \$2,033 16; which claim I rejected and refused to allow; first, because I considered that any allowance to General Wilkinson, other than what was fixed by the act of the 16th of March, 1802, was inadmissible, and that Colonel Cushing and Colonel Freeman, as commanding officers, having drawn extra rations at the same posts for the same time, and that no two officers could be entitled to extra rations at the same time for the same post. General Wilkinson, however, appealed from my decision to the accounting officers of the Treasury, to whom I stated my objections fully in a letter to the Comptroller, under date of the 10th of January, 1809, who on the 11th of January, 1809, returned me the account, and the opinion of the Attorney General, with directions to pass the amount to the credit of General Wilkinson on the books of my office; which I have accordingly done. On the 8th of June, 1809, General Wilkinson presented another account to Lieutenant S. Knight, district paymaster at New Orleans, and obtained payment from him for thirty-six rations per day, from 13th

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of March to the 30th of September, 1809, amounting to \$1,454 40. This payment was made by Lieutenant Knight, on the authority of a letter from Henry Dearborn, Secretary of War, under date of the 4th of January, 1809, and exhibited to me for a credit to the paymaster, and a charge against the United States, which I have refused to admit, being paid contrary to law; and that General Wilkinson's account already stands charged with considerable sums of public money unaccounted for. This account I have reported to the Treasury, with my objections, in a letter to the Comptroller, under date of the 16th of March, 1810, requiring a final decision at the Treasury, which has not yet been done. After the allowance had been made to General Wilkinson for extra rations for the period, and at the time for which they had been received by Colonel Cushing and Colonel Freeman, I called upon these gentlemen to refund for the period allowed to the General. They have both refused, contending that they were the only persons entitled to extra rations as commanding officers at these posts. I have, however, directed the paymaster to put them under stoppages, till the amount is refunded. Colonel Cushing, in his letter to me, under date of the 19th of June, 1809, after stating that he was the commanding officer entitled to the extra rations, a circumstance, he says, well known to the General, and every officer and soldier at the post, he then observes: "But I am assured by the General, that the subsistence allowed to him by the President was intended as a partial reimbursement for some 6 or \$7,000 which he had expended in the affair of Burr; and if this assurance be correct, it is impossible that my right to double rations at Natchitoches, and to triple rations at New Orleans, can, in any shape whatever, be affected by his allowance."

In answer to your inquiry relative to the charge against him for the freight of flour and apples from Baltimore to Charleston, thence by a public vessel to the Havana, &c., I observe that, on the examination of the accounts exhibited to the United States, by the assistant military agent at Charleston, it appears that, in February, 1809, a payment was made upon the order of General James Wilkinson for the freight and charges of the schooner Wolf, from Baltimore to Charleston, amounting to \$1,099, in full for the passages of General Wilkinson, Major Saunders, Major Robinson, Captain Williams, and Consul Anderson, and twenty-five non-commissioned officers, musicians, and privates, and waiters with their baggage, including fifty barrels of flour, and twelve barrels of apples for General Wilkinson, from Baltimore to Charleston, where, I have been informed, they embarked on board the brig Hornet for the Havana, on their way to New Orleans; and conceiving that the payment for the passage of General Wilkinson and Consul Anderson, and the freight for the flour and apples was an improper charge against the United States, I did accordingly charge the amount of these objects, being \$425, to the personal account of General Wilkinson.

In answer to your inquiry of the amount of moneys paid by Captain Moses Hooke, as military agent at Pittsburg, to General Wilkinson, or upon his order, and for what purpose. On reference to the accounts of Moses Hooke, as assistant military agent, he has paid to sundry persons for a boat, and fitting her up, to transport the General and family to New Orleans - - - - - \$199 65

Paid to the General on account, for which he gave his receipt on the 14th of May, 1805, to be accountable to the Accountant of the War Department, for - - - - - 700 00

Paid to John Dickey, Samuel Thompson, John Frush, John Philips, and James Cook, for wagoning from Washington City, Baltimore, and Philadelphia, to Pittsburg, on the order of General Wilkinson, under date of the 14th of May, 1805, amounting to - - - - - 262 96

The whole amounting to - \$1,162 61

All of which I have charged to the personal account of General Wilkinson, because the two first sums were for his own personal account, and Captain Peter was furnished with money to defray all proper transport of baggage to Pittsburg, in May, 1805.

It may here not be improper to observe, that Moses Hooke's account, as Quartermaster General to the expedition to the Sabine, appointed by General Wilkinson, stands charged, on the books of my office, to warrants on the Treasurer, with the sum of \$16,883 12, being the amount of sundry bills drawn by him on the Secretary of War, in October and November, 1806, and January, 1807. No such appointment as Quartermaster General is authorized by law, neither is there any particular appropriation, or head of expenditure to which such payments are chargeable. I have repeatedly called upon Captain Hooke to produce vouchers for the expenditure of the above sum, which he has never done. In a conversation with him, not long since, he observed, that a considerable sum of money had been drawn out of his hands, by General Wilkinson on account of services, and for which he only had the General's receipt. Captain Hooke is now out of service, and his account has been reported to the Treasury for a suit. It may also be proper to observe, that if General Wilkinson has received money from Mr. Hooke for secret services, that his account already stands charged on the books of my office, with a further sum of \$2,500, received on the 10th of January, 1807, from Abraham D. Abrahams, the military agent at New Orleans, for the like purpose; and that, on the 10th of January, 1809, he obtained a certificate from the President of the United States for a warrant upon the Treasury, and received payment for the sum of \$2,196; expressed as being for so much disbursed by him for objects in relation to the contingent expenses of intercourse

Brigadier General James Wilkinson.

between the United States and foreign nations. Why this amount was not directed to be passed to the credit of secret service money, charged to him on my books, I am at a loss to say.

In answer to your inquiry relative to the purchase of horses from Frederick Sandhagen, I observed, on the examination of the accounts of Abraham D. Abrahams, military agent at New Orleans, that in May, 1809, General Wilkinson directed to be purchased, and approved for payment to Frederick Sandhagen, the sum of \$800, for five horses purchased from him, one of which is stated to be for the light artillery. This created some surprise, that more horses should be purchased at New Orleans, in addition to the artillery horses that were sent down the river with the light artillery, when hay was at seventy dollars per ton, and oats at one dollar per bushel. The charge for the horses was, therefore, suspended till Captain Peter arrived, who was inquired of respecting the horses purchased. He then stated that the five horses purchased from Sandhagen were part of eleven horses purchased by Major Morrison, of Kentucky, for General Wilkinson; that the General had ordered him (Captain Peter) when he was about to descend the Ohio, to stop in the river to take on board his boats the horses purchased for the General by Major Morrison. He accordingly received eleven horses, and that, by so doing, he was detained several days with three or four hundred men, at a considerable expense to the United States; that, finally they were taken on board the public boats, and, until their arrival at New Orleans, were supported out of the public forage, of which there was a deal laid in for the use of the horses belonging to the light artillery; that, upon reaching New Orleans, the horses were delivered up as the private property of the General; that the five sold to the United States were charged at an extravagant high price; and that Frederick Sandhagen was formerly an old hack driver in this city, and was, at the time of selling the horses, a servant to General Wilkinson, and not likely to be owner of horses.

I also found that the eleven horses, before any part had been sold to the United States, had been kept and shod at the public expense. All of which I communicated to Mr. Eustis, the Secretary of War, who immediately wrote on to New Orleans, and ordered all the horses sold that could be done without. There was accordingly upwards of twenty sold, and only four retained for the use of the Army.

In answer to your inquiry relative to the manner of his drawing public moneys from the paymasters and agents, and if any was for objects unauthorized and improper, I observe, that he has generally drawn what he was legally entitled to by anticipation; and that he has been frequently in the habit, and does draw money from the paymasters and public agents, which are unauthorized by law. I have consequently been compelled to charge all such disbursements to his personal account; and thereby considerably increasing the balance standing to his debit on the

books of this office, which I have repeatedly urged him to account for, as may be seen by my letters of the 20th February, 23d March, and 16th November, 1808. copies of which have already been before the House of Representatives.

WM. SIMMONS.

WASHINGTON CITY, *District of Columbia, act:*

Personally appeared before me, the subscriber, an assistant judge of the circuit court for the district, William Simmons, who subscribed the above statement, and made oath on the Holy Evangelists of Almighty God, that what is contained therein, as far as is represented therein to be of his own knowledge, is true, and that which is stated to be from information of others and from documents, he believes to be true.

Given under my hand this 13th April, 1810.

B. THRUSTON.

P.—Captain Peter's deposition.

Captain George Peter, of Georgetown, appeared before the committee in the Capitol, on Thursday, the 12th of April, 1810, and made, on oath, the following statement:

Interrogatory 1st. What do you know relative to General Wilkinson's having directed and effected the payment of a sum of money, by Captain Moses Hooke, Military Agent for the United States, for the transportation of private property from Baltimore to Pittsburg, in the year 1805?

Answer. General Wilkinson, in April or May, 1805, directed me to pay to one or two wagoners, the transportation of property from Baltimore to Pittsburg. I informed the General that, as agent to the detachment, I had paid all the wagoners employed by me for the command. He then gave an order to Captain Moses Hooke, agent at Pittsburg, to pay the amount of the wagoners' claim, the General first paying the transportation of a few articles brought on in the same wagons for himself. I know that the goods thus transported and paid for by the said Captain Hooke, agreeable to the order of General Wilkinson, was private property, and no way appertaining to the public service. The amount may be ascertained by reference to the books of the accounting office. This payment was made to a man by the name of Frush. On our arrival at Massac, Captain McClelland was furnished with a tent, by the order of General Wilkinson, for storing the aforesaid merchandise. The said merchandise was also transported from Massac to St. Louis, in public boats, which occasioned the expense of an additional boat for the transportation of the public property.

Interrogatory 2d. What do you know relative to General Wilkinson's detaining the troops at Louisville, in the Winter of 1809, for the purpose of receiving a quantity of horses belonging to General Wilkinson?

Answer. A detachment consisting of six companies, embarked on board of about twenty Kentucky boats, arrived at Louisville in the morning of the 27th of February, and continued there till the evening of the 28th, waiting the arrival of

Brigadier General James Wilkinson.

Major Morrison with General Wilkinson's horses, about nine or ten in number. This delay was by the order of General Wilkinson. These horses were the private property of General Wilkinson, and were fed and taken care of at public expense till our arrival at New Orleans, which was the latter part of March; also, that a public boat was provided for the accommodation of said horses, at an expense of not less than one hundred dollars. On our arrival at New Orleans the said horses were delivered to the order of Colonel Parker. About the month of May, of the same year, four of the same horses were purchased by Abraham D. Abrahams, Military Agent at New Orleans, for the use of the United States; that three of them were very indifferent.

DISTRICT OF COLUMBIA, *Washington Co.*

GEORGETOWN, *April 28, 1810.*

Came Captain George Peter before me, a justice of the peace for the county aforesaid, and made oath on the Holy Evangelists of Almighty God to the truth of the foregoing statement.

Sworn to before

THOMAS CORCORAN.

W.—Deposition of Captain Williams.

I left the port of Baltimore on the 24th of January, 1809, on board the schooner *Wolf*, in company with General Wilkinson; fifty barrels of flour having been put on board belonging to the General. On our arrival at Charleston, flour was taken from the schooner, and put on board the United States' brig *Hornet*, in which vessel we sailed for the Havana. Of the flour taken to the Havana, a few barrels were presented to the General of Marine, an officer of the Spanish Government, by General Wilkinson.

Question. What do you believe was the quantity of flour put on board the brig *Hornet* at Charleston, and taken to the Havana?

Answer. I do not know that all the flour shipped at Baltimore was taken to the Havana, but believe that more than one-half did arrive there: a few barrels may have been got rid of at Charleston.

WM. E. WILLIAMS.

WASHINGTON COUNTY, ss:

On this 24th April, 1810, before the subscriber, a justice of the peace for said county, appeared William E. Williams, and made oath in due form, that the facts stated in the within writing are true to the best of his knowledge.

Sworn before and subscribed.

DANIEL RAPINE.

H.—Deposition of John Smith.

Personally appeared before the committee, John Smith, Chief Clerk in the Department of War, and, on oath, made the following statement:

That, in the Summer of the year 1808, sometime after the determination of the military court of inquiry called for the investigation of the conduct of General Wilkinson, the papers relating to that trial were in the War Office, lying on the

Secretary's table. In a few weeks after the papers were in that office, General Wilkinson came there, and after transacting some business, and as he was apparently about to leave the office, took up the said papers from the table, observing, at the time, that they belonged to him, or that they were promised to him; on which he took the papers out of the office; since which time I have not seen the said papers in the office, or heard of their being there.

Interrogatory 1st. Did you object to General Wilkinson's taking off the papers?

Answer. I do not recollect making any objection, as the transaction was sudden, and the General represented that they belonged to him, or had been promised to him, I do not remember which expression.

Interrogatory 2d. Did you inform the Secretary of War of the transaction?

Answer. I believe I did; and that he made no reply, to my recollection.

WASHINGTON COUNTY, *District of Columbia, ss:*

Personally appeared before me, one of the justices of the peace for the said county, John Smith, Chief Clerk in the Department of War, and made oath on the Holy Evangelists of Almighty God, that the within and foregoing statement and answers to the foregoing interrogatories are true, to the best of his recollection and belief. Sworn, this 17th April, 1810, before

WILLIAM THORNTON.

Letter from the Accountant of the Department of War.

DEPARTMENT OF WAR,

Accountant's Office, April 19, 1810.

SIR: Agreeably to the request contained in your letter of yesterday, I have the honor to enclose you copies of the following accounts required by the committee appointed to inquire into the conduct of Brigadier General James Wilkinson, viz:

A. Copy of the account, payment of which was ordered by General Wilkinson, for freight of flour, &c. from Baltimore to Charleston.

B. Copies of accounts for cartage of baggage by Frush and others, to Pittsburg, in 1805.

C. Copy of the account of Frederick Sandhagen for horses sold the United States, and of General Wilkinson's order for payment.

D. Copy of vouchers Nos. 19, 23 and 24, for payments made by Lieutenant George Peter for expenses attending the march of a detachment of troops from Baltimore, Washington City, and Carlisle to Pittsburg, in 1805.

In reply to your request that I would furnish copies of any other documents or papers in my office, which I might think would aid in the inquiry, I beg leave to suggest that as the accounts of General Wilkinson, in relation to this Department, are of considerable extent, it would be impracticable to furnish copies of the whole, within any reasonable period, if they were; this, however, it is presumable, is not necessary. Any particular part, or any vouchers in relation to any

Brigadier General James Wilkinson.

particular circumstance, which the committee may require, shall be furnished without delay.

I am, very respectfully, sir, your most obedient servant,

WM. SIMMONS, *Accountant.*

The Hon. Wm. EUSTIS, *Secretary of War.*

A.—Copy of the account, payment of which was ordered by General Wilkinson, for freight of flour, &c. from Baltimore to Charleston.

No. 12.

The United States to Levin Jones	DR.
February 28, 1809. For freight of the schooner Wolf, from Baltimore to Charleston, employed for the transportation of General James Wilkinson, Major Saunders, Major Robinson, Captain Williams, Consul Anderson, twenty-five non-commissioned officers, musicians, and privates, with their baggage, &c	\$1,000
For three days' demurrage at Norfolk, at \$30 per day	90
For three days' detention, pilot at Norfolk, at \$3 per day	9
	<u>\$1,099</u>

NOTE.

General Wilkinson's baggage, including fifty barrels of flour, and twelve barrels of apples	\$375
Major Saunders, Major Robinson, Capt. Williams, and Consul Anderson, at \$50 each	200
Twenty-five non-commissioned officers, musicians, privates, and waiters, at \$17 each	425
	<u>\$1,000</u>

Received at Charleston, February 28, 1808, of Lieutenant Samuel Champlain, assistant military agent for South Carolina, one thousand and ninety-nine dollars in full of the above account, having signed triplicates of same tenor and date. \$1,099.

LEVIN JONES.

The within account is correct and just, and I hereby direct Lieutenant Samuel Champlain, assistant military agent for South Carolina, to discharge the same.

JAMES WILKINSON.

DEPARTMENT OF WAR,
Accountant's Office, April 19, 1810.

I certify that this paper contains a true copy of voucher No. 12, for payments made by Samuel Champlain, and charged in his account to the United States.

WM. SIMMONS, *Accountant.*

B.—Copies of accounts for cartage of baggage by Frush, and others, to Pittsburg, in 1805.

No. 7.

PITTSBURG, May 14, 1805.
Abstract of disbursements made for the transportation of General James Wilkinson's bag-

gage and stores, from Washington City, Baltimore and Philadelphia, to Pittsburg.

1805. April 27. This sum paid James Dickey, per voucher No. 1	- - - \$72 12
1805. April 27. This sum paid Samuel Thompson, per voucher No. 2	- - - 85 44
1805. May 7. This sum paid John Frush, per voucher No. 3	- - - 31 50
1805. May 6. This sum paid John Phillips, per voucher No. 4	- - - 58 50
1805. May 11. This sum paid Jas. Cook, per voucher No. 5	- - - 15 40
	<u>262 96</u>

The assistant military agent will discharge the above, and place to account of public transport for military service.

JAMES WILKINSON.

DEPARTMENT OF WAR,

ACCOUNTANT'S OFFICE, *April 19, 1807.*

I certify that the above is a true copy of voucher No. 7, accompanied with the copies of the subordinate vouchers Nos. 1, 2, 3, 4, and 5, for payment made by Captain Moses Hooke, assistant military agent, at Pittsburg, and charged by him to the United States.

WILLIAM SIMMONS,
Accountant War Department.

No. 1.

The United States to James Dickey, Dr. To transporting sundry packages (General Wilkinson's baggage) from Washington City, to Pittsburg, weighing 1,202 pounds, at six dollars per hundred weight	- - - \$72 12
	<u>\$72 12.</u>

Received, Pittsburg, April 27th, 1805, of Lieutenant Moses Hooke, seventy-two dollars and twelve cents in full of the above account. Signed duplicates.

JAMES DICKEY.

No. 2.

The United States to Samuel Thompson, Dr. To transporting sundry packages (General Wilkinson's baggage) from Washington City to Pittsburg, weighing 1,351 pounds, at six dollars per hundred pounds	- - - \$81 06
To ditto, one box, No. 17, not included in invoice, weight seventy-three pounds, at six dollars	- - - 4 38
	<u>85 44</u>

\$85 44.

Received, Pittsburg. April 27, 1805, of Lieutenant Hooke, eighty-five dollars and forty-four cents in full of the above account. Signed duplicates.

JOSEPH x RYAN, for
SAMUEL THOMPSON.

Witness: N. PINKNEY.

Brigadier General James Wilkinson.

No. 3.

The United States to John Frush, Dr.
To transporting seven hundred pounds of General
Wilkinson's baggage, from Baltimore to
Pittsburg, at four dollars and fifty cents, \$31 50

Received, Pittsburg, May 7, 1805, of Captain
Moses Hooke, thirty-one dollars and fifty cents in
full of the above account. Signed duplicates.
JOHN FRUSH.

No. 4.

The United States to John Phillips, Dr.
1805. May 6. To transporting sundry packages
from Baltimore to Pittsburg, (General Wilkin-
son's baggage,) weighing one thousand three
hundred pounds, at four dollars and fifty cents
per hundred pounds - - - - \$58 50

Received, Pittsburg, May 6, 1805, of Captain
Moses Hooke, fifty-eight dollars and fifty cents in
full of the above account. Signed duplicates.
JOHN PHILLIPS.

No. 5.

The United States to James Cook, Dr.
To transporting from Philadelphia to Pittsburg
one cask (Gen. Wilkinson's baggage) weigh-
ing two hundred and eighty net, at five dollars
and fifty cents - - - - \$15 40

Received, Pittsburg, May 11, 1805, of Captain
Moses Hook, fifteen dollars and forty cents in full
of the above account. Signed duplicates.

DEPARTMENT OF WAR,
ACCOUNTANT'S OFFICE, April 19, 1810.
I certify that the above, and foregoing, contain
copies of subordinate vouchers, Nos. 1, 2, 3, 4, and
5, to voucher No. 7, (a copy of which is hereunto
annexed,) for payments made by Captain Moses
Hooke, assistant military agent at Pittsburg, and
charged by him to the United States.
WILLIAM SIMMONS,
Accountant Department of War.

C.—Copy of the account of Frederick Sandhagen, for
horses sold the United States, and of General Wil-
kinson's order for payment.

No. 6.

The United States to Frederick Sandhagen, Dr.
1809. May 13. For one sorrel horse with a star,
six years old, 16 hands high - - - - \$165
One brown bay do. five years old, 15½ hands
high - - - - 150
One bright bay do. six years old, 15 hands
high - - - - 135
One do. do. seven years old, 15½ hands high,
left hind foot white - - - - 150
600

Approved for payment,
JAMES WILKINSON.

Received of Abraham D. Abrahams, military
agent, the sum of six hundred dollars, for which
I have signed duplicate receipts.
F. SANDHAGEN.

Witness: P. RIVERY.

The following endorsement is on the account
of which the foregoing is a copy :

"Received the within number of horses.
"J. GIBSON,
"Lieut. and Brigade Quartermaster."

DEPARTMENT OF WAR,
ACCOUNTANT'S OFFICE, April 19, 1810.
I certify that the within is a copy of voucher
No. 6, for payment made by Abraham D. Abra-
hams, military agent at New Orleans, and charg-
ed in his account to the United States.
WILLIAM SIMMONS,
Accountant Department of War.

No. 13.

The United States to Frederick Sandhagen, Dr.
To one bay horse, five years old, 16 hands high,
black tail and mane, for use of light in-
fantry - - - - \$200

Received, New Orleans, 29th May, 1809, of
Abraham D. Abrahams, military agent, two hun-
dred dollars, in full of the above. Signed dupli-
cates.
F. SANDHAGEN.
Witness: P. RIVERY.

DEPARTMENT OF WAR,
ACCOUNTANT'S OFFICE, April 19, 1810.
I certify that the above is a copy of voucher
No. 13, for payment made by Abraham D. Abra-
hams, military agent at New Orleans, and charg-
ed in his account to the United States.
W. SIMMONS,
Accountant Department of War.

D.—Copy of vouchers Nos. 19, 23, and 24, for pay-
ments made by Lieutenant George Peter, for ex-
penses attending the march of a detachment of
troops from Baltimore, Washington City, and Car-
lisle to Pittsburg, in 1805.

No. 19.

BEDFORD, April 29, 1805.
Received of Lieutenant George Peter, the sum
of sixty dollars, in full, for transporting the bag-
gage of Lieutenant Gates and detachment, to this
place.
NICHOLAS SPONSOR,
his M mark.
Witness: SAMUEL GATES.

No. 33.


PITTSBURG, May 5, 1805.
Received of Lieutenant George Peter, the sum
of one hundred and thirty-five dollars, in full, for
transporting the baggage of the detachment under
the command of Captain McClellan, from Balti-
more to Pittsburg.
JOHN FRUSH.

Brigadier General James Wilkinson.

No. 24.

PITTSBURG, May 5, 1805.

Received of Lieutenant George Peter, the sum of one hundred and eighty-four dollars, in full, for transporting baggage of the detachment of troops under command of Captain McClellan.

HORATIO TRUNDLE,
his  mark.

Witness: N. PINKNEY, Lt.

DEPARTMENT OF WAR,
Accountant's Office, April 19, 1810.

I certify that the within are copies of vouchers Nos. 19, 23, and 24, for payments made by Lieutenant George Peter, charged in his account against the United States, for expenses attending the march of a detachment of troops from Baltimore, Washington City, and Carlisle, to Pittsburg. W. SIMMONS, Acct. Dep. War.

No. 71.

It is a fact, that our fool has written to his contemptible fabricator, that you had declared if you

had children, you would teach them to curse the United States as soon as they were able to lisp, and he gave the mayor and Gurly for authors. Cette bête is at present up to the chin in folly and vanity; he cannot be supported much longer; for, Burr or no Burr, we shall have a revolt, if he is not removed speedily. The moment Bonaparte compromises with Great Britain will be the signal for a general rising of French and Spaniards, and if the Americans do not join, they will not oppose. Take care! suspicion is abroad; but you have a friend worth having. You will see Livingston's philippic to W*****; it is replete with falsehoods, and is laughed at here by everybody. So much for the establishment of an impure character.

Yours, R. R.

Workman and Kerr have been discovered in an intrigue to corrupt the Army and to plunder the bank. It is said that Lieutenant W. A. Murray has detected them.

D. C., Esq.

No. 27.—PAPERS RELATING TO THE TOBACCO TRANSACTION.

1788.—Sales of 165 hhds. tobacco, 28 casks butter, 23 casks lard, and 159 hams, received by Major Dunn and disposed of for account of James Wilkinson, Esq., Kentucky.

To whom sold.	Hhds. tobacco.	Casks.		Hams.	Weight.	Price.	Paper.	Silver.
		Butter.	Lard.					
To Government - - -	137	-	-	-	118,466	25 ms.		\$10,887 04
His Excellency - - -	-	1	-	-	109			
His Excellency - - -	-	-	1	6	78			
Mr. Navarro - - -	-	1	-	-	65			
Mr. Navarro - - -	-	-	1	6	77			
Contadore - - -	-	1	-	-	51			
Contadore - - -	-	-	1	6	78			
Clarke & Rees—Auditor - -	-	1	-	-	77	2	\$19 02	
Clarke & Rees—Auditor - -	-	-	1	3	31	1½	7 06	
Clarke & Rees—Piernas - -	-	-	1	-	78	1½	14 05	
Clarke & Rees—Piernas - -	-	-	-	6	60	2	15 00	
Don Andres Armesto - - -	-	1	-	-	74			
Don Andres Armesto - - -	-	-	1	6	64			
Cash - - -	-	1	-	-	21	2½	6 04	
Mr. Morales - - -	-	-	2	-	116	1½	21 06	
Jacob Cowperthwaite - - -	-	-	1	-	78	1½	14 05	
Jacob Cowperthwaite - - -	-	-	-	3	25	2½	7 04	
Mr. Morales - - -	-	-	-	5	45	2	11 02	
Mr. Guerin - - -	-	1	-	-	52	2½	16 02	
Mr. Brion - - -	-	1	-	6	58			
Mrs. Duforest - - -	-	-	-	6				
Clarke & Rees - - -	-	1	-	-	72	2	19 02	
Clarke & Rees - - -	-	-	209	-	209	1½	39 01	
Clarke & Rees - - -	-	-	-	6	50	2	12 04	
James Jones - - -	-	1	-	-	77			
James Jones - - -	-	-	1	6	76			
Cash - - -	-	1	-	-	64	2½	20 00	
Cash - - -	-	-	1	-	32	1½	6 00	

Brigadier General James Wilkinson.

No. 27.—Continued.

James Wilkinson, Esq., in account current with Clarke & Rees.

To whom sold.	Hhds. tobacco.	Casks.		Hams.	Weight.	Price.	Paper.	Silver.
		Butter.	Lard.					
Clarke & Rees—Treasurer -	-	1	-	-	76	2	19 00	
Clarke & Rees—Treasurer -	-	-	-	6	43	2	10 06	
Cash -	-	-	-	5	56	2	14 00	
John Machey -	-	-	-	3	18	2	4 04	
Mr. Morales -	-	-	2	-	144	1½	27 03	
Clarke & Rees—Marcos -	-	1	-	-	67	2	16 06	
Clarke & Rees—Marcos -	-	-	1	-	57	1½	10 05	
Clarke & Rees—Villavaso -	-	1	-	-	50	2	12 04	
Clarke & Rees—Villavaso -	-	-	1	-	30	1½	5 05	
Clarke & Rees—Mr. Maxent -	-	1	-	-	78	2	19 04	
Clarke & Rees—Mr. Maxent -	-	-	1	-	80	1½	15 00	
Mr. Dow -	-	1	-	-	76	-	-	
Mr. Dow -	-	-	-	6	60	-	-	
Cash -	-	-	1	-	56	1½	10 04	
Clarke & Rees—Perdomo -	-	-	-	3	30	2	7 04	
Cash -	-	-	-	2	14	2½	4 03	
Cash -	-	-	-	4	17	2½	5 04	
Cash -	-	-	-	1	8	2	2 00	
Cash -	-	-	-	2	17	2½	5 04	
Cash -	-	-	-	1	8	2	2 00	
Cash -	-	1	-	-	73	20 sous	14 04	
Cash -	-	1½	-	2	20	1½	3 06	
Cash -	-	1	-	-	67	2	16 06	
Mr. Pontalba -	-	1	1	-	69	2	17 02	
M. La Villebeuvre -	-	1	-	-	60	2	15 00	
Joseph Tarel -	-	-	-	7	82	1½	15 03	
Mr. Jourdain -	-	-	1	-	39	1½	7 02	
Joseph Farel -	-	-	-	12	100	1½	18 06	
Mr. Conway -	-	1	-	-	68	-	-	
Mr. Conway -	-	-	1	6	54	-	-	
Joseph Farel -	-	-	-	5	36	1½	66 00	
Mr. Ballinger -	-	-	-	10	80	-	-	
Howard and others, who re- turned to Kentucky -	-	-	-	10	94	-	-	
Batiste -	-	1	-	-	60	1½	11 02	
Cash -	-	-	1	-	64	1½	12 00	
Mr. Jones, three flats -	-	-	-	-	-	-	39 04	
Cash, 160 lbs. tobacco -	-	-	-	-	-	-	9 04	
On hand -	-	5	-	9, rotten.	-	-	612 00	\$10,887 04
612 paper dollars, at 152 per cent.	-	-	-	-	-	-	-	402 05
								\$11,290 01
<i>Charges, viz :</i>								
Paid for two blocks for the press -	-	-	-	-	4	4	-	
Five men for one day's work at ditto -	-	-	-	-	4	4	-	
Mr. Mattain, for two days' work of a negro -	-	-	-	-	1	4	-	
Jean Jeanas, per receipt -	-	-	-	-	10	0	-	
Six ells Osnaburghs, intended to make carrots -	-	-	-	-	3	0	-	
Pardomo, fees on discharging -	-	-	-	-	28	4	-	
Eltienne, for one day's work of three negroes -	-	-	-	-	2	2	-	
Don Andres, for hire of his negro John -	-	-	-	-	3	4	-	
James Jones, for two demijohns rum -	-	-	-	-	30	0	-	
Cartage of provisions and tobacco -	-	-	-	-	4	4	-	
Hire of Prince and Lancaster, from June 13 to July 25 -	-	-	-	-	84	0	-	
Storage, at 15 ps. p. per month -	-	-	-	-	20	0	-	
Proportion of making the press -	-	-	-	-	17	4	-	
Leolleau & Faler, for nine fathoms rope -	-	-	-	-	2	5	-	

Brigadier General James Wilkinson.

No. 27.—Continued.

James Wilkinson, Esq., in account current with Clarke & Rees.

<i>Charges, &c.</i>	<i>Weight.</i>	<i>Price.</i>	<i>Paper.</i>	<i>Silver.</i>
Hire of Jesse twenty-five days, at six bells - - -	18	6		
For one-half coil 3½ inch rope, for the flats and press - -	28	0		
For rice for Messrs. Gaillard & Poussell's negroes - - -	15	0		
Mather & Strother, for taffia - - - - -	60	0		
Mrs. Gaillard's negroes, for working on Sunday - - -	1	0		
Emerson & Frank, per receipt - - - - -	-	-	60 00	
Mrs. Gaillard, for hire of negroes - - - - -	20	0		
Jean Rasque, per receipt - - - - -	7	4		
Jourdain, amount of his account - - - - -	321	6		
Duty on tobacco, &c. - - - - -	586	6		
Fees at the Intendant's office - - - - -	15	0		
Commission on 11,290 pounds at 5 per cent. - - -	-	-	564 04	
	1,290	1	625 04	
	30	0		
	1,260	1	829 00	
	-	-		1,454 04
Net proceeds - - - - -	-	-	-	\$9,835 05

No. 27.—Continued.

James Wilkinson, Esq., in account current with Clarke & Rees.

	<i>Dr.</i>		
1787.			
Aug. 27	To balance of account of this date - - - - -	-	\$4 00
	To cash lent him, per note - - - - -	-	3,000 09
1788.			
April 17	To cash paid William and Richard Thomas, per receipt - - -	-	90 00
May 15	To cash paid Joshua Barbie, per receipt - - - - -	-	100 00
	To cash paid James Ferguson, per his order - - - - -	\$52 04	
July 12	To cash paid his bill, in favor of L. T. Beauregard - - -	-	1,026 06
July 14	To cash paid his bill, in favor of Sportsman - - - - -	-	861 00
	To cash paid his bill, in favor of Ballinger - - - - -	-	360 00
July 29	To cash paid Major Dunn, per account - - - - -	281 2	3,839 00
Aug. 8	To Captain William McFaden, on account of Major Dunn, for three pas- sages in the schooner Navaro - - - - -	-	180 00
		\$333 06	
	\$333 6 exchange, at 152 per cent. - - - - -	-	219 00
	To cash paid Major Dunn, in full - - - - -	-	355 07
			\$10,185 00
1788.			
July 29	By net proceeds of sales made for his account - - - - -	-	\$9,835 05
	By a negro man named Jesse - - - - -	-	350 00
			\$10,185 05

N. B.—There is a quantity of tobacco on hand, in bulk, weight unknown. Also, seven hogsheds full, which have not been weighed, for which we hold ourselves accountable, conformable to the sales we shall make thereof. We also hold ourselves accountable for one hogshhead of tobacco, which was received among Mr. Christopher Thompson's tobacco, weight 913 pounds, when the King shall be pleased to pay for the same. Errors excepted.

NEW ORLEANS, August 8, 1788.

CLARKE & REES.

By virtue of the powers in me vested by James Wilkinson, Esq., I do hereby acknowledge and declare that I have examined the above account, and that I have received from Messrs. Clarke and Rees, of New Orleans, merchants, the several articles and payments in the said account, balanced as it stands, this 8th day of August, 1788.

ISAAC B. DUNN.

Brigadier General James Wilkinson.

No. 29.—Sales of 342 hogsheads of tobacco, shipped by James Wilkinson, (in the purchase of which the sum of £279, a balance due Daniel Clarke, Esq. for his half of the proceeds of the bateau Speedwell, was invested, and in proportion thereto said Clarke is interested,) consigned to Philip Nolan, New Orleans.

Sold to Government 226,649 lbs. net, at \$80 per 1,000	-	-	-	-	-	\$18,131 07
Charges.						
Paid for picking, in hard money,	-	-	-	-	\$149 00	\$165 03
Lost, to procure this money, 11 per cent.	-	-	-	-	16 03	
Paid the pickers in paper money	-	-	-	-	88 00	93 02
Lost, to procure this money, 6 per cent.	-	-	-	-	5 02	
Sundry expenses, to be explained by P. N.	-	-	-	-	105 00	115 04
Lost, to procure this money,	-	-	-	-	10 04	
Mr. Ballinger's board thirty days, at one dollar,	-	-	-	-	30 00	30 04
Lost, to procure this money,	-	-	-	-	04	
Mr. Nolan's allowance from the 27th July until the 25th September, sixty days, at \$2 50 per day	-	-	-	-	150 00	165 00
Lost, to procure this money, 10 per cent.	-	-	-	-	15 00	
Cooperage, per account,	-	-	-	-	-	541 04
Proportion of expense to be deducted	-	-	-	-	-	1,111 01
						329 05
						781 04
Deducted from the invoice	-	-	-	-	-	17,350 03
						1,500 00
						\$15,850 03

Errors and omissions excepted. PHILIP NOLAN.

NEW ORLEANS, September 21, 1789.
[See Wilkinson's account current with Clarke and Rees, dated May the 1st, 1789, contained in the account book, page 30.]

No. 30. LEXINGTON, KENTUCKY, May 20, 1790.

GENTLEMEN: I lament that I should be obliged to address you at this late day, but the causes producing the delay have been insuperable.
This will be handed to you by my agent, Mr. Philip Nolan, who carries with him, and will exhibit to you for final settlement, the account of the unfortunate adventure by the Speedwell, he being specially authorized by me for that purpose. Amidst the embarrassments which result to me from this fatal expedition, it is with pleasure I reflect that whilst I am obliged to abide a dead loss on the sales, without remedy or consolation, you must feel yourselves indemnified by the advance you had upon the merchandise originally furnished from your store to the adventure, and for which you received cash. The proceeds of this adventure are vested in tobacco at a very low price, which will, I hope, get a good market.
You will observe that I have consigned this cargo to Mr. Nolan, and authorized him to act for me in the storage, inspection, &c., because the quantity now shipped will overrun the claims of the owners of the Speedwell nearly two-thirds, and I have determined to make no discrimination in the cargo, for fear of accidents to the boats, which might be assigned to the account of the Speedwell, or lest I should subject myself to imputations of partiality to my private interest, and be charged with selecting the best tobacco. No difficulty can offer in the settlement; because, when the costs and charges, and the net profits of the whole cargo are ascertained, the proportion due to the owners of the Speedwell can be readily established. This is the principle of settlement which I have directed my agent to take for his guidance, and to which I shall invariably adhere.

Brigadier General James Wilkinson.

I am sorry to inform you that one of our flats, after having been loaded with forty hogsheads, sprung a leak, and, in spite of our endeavors, sunk; the tobacco is wet, but I believe we shall be able to save the greatest part of it, though it will involve the inevitable detention of this tobacco until my next shipment, when it will go down on the same principles of the present cargo, of which it is indeed a part.

I have directed Mr. Nolan to require the original vouchers, on which the accounts rendered by you last year are founded, many of them being absolutely necessary to my own indemnity against the persons collaterally interested or connected in them.

I have the honor to be, gentlemen, your most obedient servant,

JAMES WILKINSON.

Messrs. CLARKE & REES, Merchants, New Orleans.

No. 31.

LOUISVILLE, June 20, 1790.

GENTLEMEN: Your surprise at hearing from me at this late date cannot exceed the mortification and regret I feel from the delay. My boats unfortunately grounded in Kentucky river, and were left by the flood. Mr. Nolan will give you the details, and will explain to you the personal hardships and risks I have been exposed to for three weeks past.

Events have justified the propriety of my making no distinction in the tobacco shipped at this time, or allotting any separate portion for the account of the Speedwell, as three of the fleet which sailed are still aground in Kentucky river, with 118 hogsheads on board. The tobacco Mr. Nolan now takes down can be appropriated on the same equitable principles, and the same just scale of proportion set forth in my letter of the 20th of May. The drowned tobacco is, by this time, completely recovered, I expect, at a loss of 12 or 15,000 pounds. I shall ship it, and it will go down with the three boats which are aground, so soon as the flood offers, which I expect must take place in the course of the month.

The stoppage of the boats has been attended with some additional expense, which was unavoidable, in the measures necessary to get them out of Kentucky river, and secure the tobacco.

With due respect, I am, gentlemen, your most obedient servant,

JAMES WILKINSON.

Messrs. CLARKE & REES.

No. 32.—Messrs. Wilkinson and Dunn, their account current with Clarke and Rees.

	Dn.	Paper.	Exchange.	Silver.
1788.	To their half adventure to Kentucky, in company, per bateau Speedwell - - - - -	-	-	4,087 07
				4,087 07
1789.	To balance brought down - - - - -	-	-	1,087 07
May 6,	To cash paid Moses and John Moore, an error discovered to their prejudice, in account with you after we had ad- justed accounts with Captain Dunn, and paid him the balance - - - - -	-	-	43 07
	To cash paid General Wilkinson's order, favor of G. I. A. Elholm, - - - - -	-	-	129 04
	To twenty-eight pounds of bacon supplied Mr. Ballinger, at 2½ - - - - -	8 06	120	7 02
June 4,	To cash paid Joseph Ballinger - - - - - 100 00			
	To cash paid Joseph Ballinger - - - - - 8 00			
July 20,	To cash paid P. Nolan - - - - -	-	-	108 00
	To cash paid P. Nolan in paper - - - - -	121 07	127	6 00
July 21,	To cash paid your order, favor of R. McGillier - - - - -	-	-	96 00
July 25,	To cash paid Greenberry Dorsey - - - - - 267 06½			150 00
	To cash paid Philip Nolan - - - - - 387 04			
July 31,	To cash paid Mr. Minor, amount of your note - 92 07			
	To cash paid A. White and Shoemaker - - - 29 06			
		767 07½	130	590 06
Aug. 2,	To cash paid Hipps Taylor - - - - - 12 06			
Aug. 12,	To cash for four ells of silk - - - - - 12 00			
		24 06	125	19 06
	To our assumption to Mather and Strother for a horse for Mr. Ballinger - - - - -	-	-	100 00

Brigadier General James Wilkinson.

No. 32—Continued.

1788. Aug. 12,	Dr. To sundries supplied Mr. Ballinger at Natchez, on his way to Kentucky, viz:	Paper.	Exchange.	Silver.
	1 saddle - - - - - 40 00			
	1 yard of blue cloth - - - - - 6 00			
	1 pair stockings - - - - - 3 00			
		49 00	150	32 06
	To cash you received for three flats - - - - -	-	-	14 00
	To your order, favor of Colonel Ellzey, £14 Virginia currency - - - - -	-	-	46 04
	To cash you received from the Governor of Virginia, £1,014 15 10, Virginia currency, dollars at six shillings	-	-	3,382 03
	To so much you received from the State of Virginia - - - - - £1,256 3 6	-	-	
	Deduct 20 per cent. - - - - - 251 4 8	-	-	
				3,349 04½
	Balance due Wilkinson and Dunn - - - - - £1,004 18 10	-	-	12,464 07½
			Hard dolls.	21,632 05
Sept. 2,	To cash paid G. M. - - - - -	-	-	3,000 00
Sept. 3,	To cash paid Philip Nolan for Mr. Duncan, per your order - - - - -	-	-	6,800 00
Sept. 4,	To cash paid John H. Craig, per Nolan's order - - - - -	-	-	471 03
	To cash paid Philip Nolan's order, favor of John Pickett - - - - -	-	-	1,101 07
	To cash paid Philip Nolan's order, favor of Wm. Pauling, - - - - -	-	-	789 04
	To cash paid Philip Nolan, per receipt - - - - -	-	-	300 00
Sept. 5,	To cash paid Philip Nolan, in full - - - - -	-	-	48 05½
	Errors excepted.		Dolls.	12,511 03½
	JAMES WILKINSON.			
	NEW ORLEANS, Sept. 5, 1789.			
1788.	Cr.			
	By cash received from the Governor - - - - -	-	-	5,000 00
	Balance due on this account - - - - -	-	-	1,087 07
				4,087 07
Dec. 31,	By net proceeds of sales of 5 casks of butter, 1 hhd. of tobacco, and 30,732 pounds of tobacco, loose, left by Mr. Dunn - - - - -	1,479 04	160	934 06
1789.	By net proceeds of sales of 38 casks of lard, per Captain Dunn - - - - -	-	-	78 04
May 17,	By cash returned by Mr. Ballinger - - - - -	-	-	1,650 00
June 13,	By net proceeds of sales of 27 casks of butter, per Captain Dunn - - - - -	-	-	162 04
Aug. 15,	By so much charged you, in an account rendered May 1, for Mr. Nolan's expenses, through the Creek nation - - - - -	-	-	99 02
	By cash paid Captain Hoops, £280 Virginia currency - - - - -	-	-	933 02½
	By first of adventures, &c. with charges - - - - -	-	-	13,991 00
	By adventures from Kentucky, in company, for your half gain - - - - -	-	-	3,355 02½
	By amount of Philip Nolan's account - - - - -	-	-	374 00
	By Daniel Clarke, for Deputy Surveyor's fees paid in Richmond - - - - -	-	-	32 00
	By Daniel Clarke, paid for advice in suit against Foster Webb - - - - -	-	-	32 00
	Errors and omissions excepted.		Hard dolls.	21,632 05
	WILKINSON & DUNN.			
	NEW ORLEANS, August 29, 1789.			
	By balance brought down - - - - -	-	-	12,464 07½
	By a note returned, which was charged you in favor of Colonel Ellzey, for £14 Virginia currency - - - - -	-	-	46 04
			Dolls.	12,511 03½

Brigadier General James Wilkinson.

J. Wilkinson's order on D. Clarke, Sen.

SEPTEMBER 4, 1789.

DEAR SIR: Will you be so good as to answer to Mr. Nolan, the balance in your hands, for your friend,

J. WILKINSON.

To DANIEL CLARKE, Esq.

Receipt.

NEW ORLEANS, Sept. 5, 1789.

Received of Messrs. Clark and Rees \$48 5/2 rials, the balance due James Wilkinson, as stated in Messrs. Clarke and Rees's account current.

For James Wilkinson,

PHIL NOLAN.

No. 33.—Philip Nolan's Declaration.

NEW ORLEANS, Sept. 10, 1790.

I, Philip Nolan, agent for James Wilkinson, Esq., being applied to by Daniel Clarke, Junior, attorney of Clarke and Rees, to investigate an account settled the 5th September, 1789, between Clarke and Rees, merchants of this place, and the aforesaid James Wilkinson, Esq., do declare that there is an error in the said account, amounting to four hundred and seventy-three silver dollars two rials, to the prejudice of Clarke & Rees, occasioned by their giving him credit twice in their account for the aforesaid sum of four hundred and seventy-three silver dollars two rials, being my expenses on my journey from hence to Kentucky, in the year 1788.

PHILIP NOLAN.

No. 4.—James Wilkinson's accountable receipt for our part of the cargo, per Speedwell's proceeds, and for a debt due by Craig and Johnson, for £318 13s. 7d.

I do hereby acknowledge that I have not accounted with Daniel Clarke for his half of the adventure of merchandise, shipped per the bateau Speedwell, Jean Massey, patroon, from New Orleans to the Falls of the Ohio, consigned to Wilkinson and Dunn; and that I will invest, and ship the proceeds of the said adventure, which still remains in our hands, in good and merchantable tobacco, to him, in the month of December next.

I also acknowledge that I have a debt due to the said Clarke from Craig and Johnston, for three hundred and eighteen pounds, thirteen shillings, and seven pence, Virginia currency, under my direction; and that I will, or my heirs, in case of my death, ship tobacco to him to the amount thereof, as soon as I, or they, shall recover the same; and when these several obligations into which I now enter are fulfilled by me or my heirs, that the articles of writing, declaratory of a connexion with the said Clarke, by Wilkinson and Dunn, bearing date the 7th of August, 1788, shall be void, and of no effect; and, also, that the power of attorney which I have had from said Clarke shall be cancelled, and of no effect from this day.

As witness my hand, at New Orleans, this 18th day of September, in the year of our Lord one thousand seven hundred and eighty-nine.

JAMES WILKINSON.

No. 3.—Articles of agreement between Wilkinson and Dunn and Daniel Clarke, Sen.

To all persons to whom these presents shall come, GREETING:

Know ye, that James Wilkinson and Isaac B. Dunn, of the District of Kentucky, now in the State of Virginia, Esquires, of the one part, and Daniel Clarke, of the town of New Orleans, on the Mississippi, merchant, of the other part, do hereby consent and mutually agree to carry on a commerce between the said District of Kentucky and the town of New Orleans aforesaid; that is to say:

That the said James Wilkinson and Isaac B. Dunn shall purchase in the District of Kentucky, or any other of the settlements on the waters of the Ohio, within the State of Virginia aforesaid, to wit: tobacco, flour, butter, tallow, hogs' lard, beef, pork, bacon, and bacon hams, on the joint account and risk of the said James Wilkinson, Isaac B. Dunn, and Daniel Clarke, and the same to be sent down in good order (dangers of the river excepted) to the town of New Orleans, addressed to the aforesaid Daniel Clarke, to be by him converted into cash, for the common benefit of the said James Wilkinson, Isaac B. Dunn, and Daniel Clarke, in the particular ratio hereafter written.

And likewise, that the said Daniel Clarke shall purchase and send to the falls of Ohio, on account and risk of the aforesaid James Wilkinson, Isaac B. Dunn, and Daniel Clarke, addressed to the said James Wilkinson and Isaac B. Dunn, such European and West India commodities as shall jointly be deemed necessary for the use and consumption of the aforesaid settlements on the Ohio, to be by them converted into cash, or such articles of produce as are herein named, for the joint benefit of the said James Wilkinson, Isaac B. Dunn, and Daniel Clarke, in the particular ratio hereafter mentioned.

Now, be it remembered, and it is hereby declared and made known, that the said parties are to be interested in the said commerce, in the following proportions, viz:

James Wilkinson to have and enjoy one-fourth part of the profits which shall appear to arise from the said trade, to be carried on agreeably to the letter and spirit of the contract, from Kentucky to this place, and from this place to Kentucky, and also to sustain one-fourth part of any loss that may happen to the parties in the said trade.

In like manner shall Isaac B. Dunn share and enjoy one fourth part of the profits which shall arise from the aforesaid commerce, and in like proportion bear any loss that may happen to the parties in the course of the said connexion.

And likewise, that the said Daniel Clarke shall

Brigadier General James Wilkinson.

have and enjoy of the profits which shall arise from the said trade, one half, or equal moiety of the whole, and bear, in like proportion, any loss that may be sustained by the parties in the course of their said connexion.

Further, it is agreed by the contracting parties, that this connexion shall take place on the 1st day of December next, and continue until dissolved by mutual consent of the said parties, or by prohibition of this Government: *Provided, always,* That no tobacco which shall be sent down by James Wilkinson, Esq., antecedent to the 1st day of December next, shall be considered, in any wise, a property falling within the present connexion.

And whereas, Daniel Clarke is now preparing to make a shipment of merchandise to the aforesaid falls of Ohio: Be it known, that the merchandise is for account and risk of the aforesaid James Wilkinson, Isaac B. Dunn, and Daniel Clarke, in the proportions aforesaid.

Lastly, be it remembered, that the said James Wilkinson and Isaac B. Dunn shall not charge commissions for what they buy or sell, at any part of the settlements of Kentucky, or on the waters of the Ohio, for account of the parties in this concern; nor shall the said Daniel Clarke charge any commission for all or any business he shall transact at New Orleans for account of said concern.

In witness whereof, the parties have hereunto interchangeably set their hands and seals, at New Orleans, this 7th day of August, 1788.

For James Wilkinson and self,

ISAAC B. DUNN. [J. S.]
DANIEL CLARKE. [L. S.]

Signed, sealed and delivered, in presence of

A. HOOPS,
PHILIP NOLAN.

No. 2.—Wilkinson to Clarke.

RICHMOND, Oct. 27, 1807.

DEAR SIR: A friend having proposed a publication relative to scenes of eighteen or twenty years' standing, I furnished him your extract from the memoir you transmitted Mr. Pickering in 1796-'7. Being a public document, I could see no impropriety in this, and I hope you may concur in the same opinion, seeing that it was an interesting paper to me, assailed as I am by the worst, the merest demons that ever infested the earth. So soon as I have adjusted a single point here, I shall be with you, and am,

With respect and esteem, yours,

JAMES WILKINSON.

The Hon. D. CLARKE.

Depositions of Daniel W. Cox and Walter Jones.

Deposition of Walter Jones, Esq.

The deposition of Walter Jones, Junior, who officiated as judge advocate and recorder to the military court of inquiry, instituted in the month of January, 1808, for the investigation of certain charges against Brigadier General James Wil-

kinson; which deposition is taken before the committee of the House of Representatives appointed to inquire into the conduct of Gen. Wilkinson.

The deponent, in answer to sundry inquiries of the Committee, in relation to the evidence and documents produced before the court of inquiry, and filed among the records of its proceedings, the manner in which they were disposed of, and whether the papers, lately returned by General Wilkinson, do in fact constitute the whole of those properly belonging to the records of that court, deposes and swears as follows:

On the 16th February, 1808, after several meetings of the court of inquiry, and fruitless attempts to bring forward the evidence relied on to support the charge against General Wilkinson, he came before the court, and made his petition that the affidavit of Mr. Daniel Clarke, which had been laid on the table of the House of Representatives, and a certified copy of which had, with other papers, been transmitted by the President of the United States to the judge advocate, might be received by the court "at its intrinsic value," or, for as much as it was worth;" he, General Wilkinson, waiving all objections as to form, and to the legal competency of the affidavit to be read in evidence, but reserving to himself the advantage of all objections on the score of credibility, and taking upon himself to discredit or to contradict the evidence of Mr. Clarke. The certified copy of this affidavit was accordingly read and filed as evidence; the judge advocate admitting, as a matter of course, that the accused was free to urge every objection, and to produce all competent evidence affecting the credit of the witness. The judge advocate, at the same time, filed, *de bene esse*, certified copies of the documents laid on the table of the House of Representatives, by Mr. RANDOLPH, which were reserved upon file for further proof.

At the subsequent sittings of the court, General Wilkinson produced and examined several witnesses in his defence. According to my recollection, and the minutes I have preserved of the course of those examinations, he undertook to discredit the evidence of Mr. Clarke upon three grounds:

1st. By imputing to the witness a particular motive for malice against the person accused, arising out of his, Mr. Clarke's, alleged connexion with Burr's conspiracy, and the vindictive passions of those conspirators, supposed to be directed against General Wilkinson on account of his active agency in their final suppression. To this point he produced the following witnesses, viz: Lieutenant William A. Murray, Lieutenant Robert T. Spence, John Graham, and Benjamin H. Latrobe, whose examinations were taken down in writing and filed.

2d. By undertaking to prove prior declarations of Mr. Clarke, upon the subject-matter of his affidavit, inconsistent with the statement contained in it. To this point he produced the following witnesses, viz: Robert Wright, Governor of Maryland, General Samuel Smith, of the Senate, Willis Alston, of the House of Representatives,

Brigadier General James Wilkinson.

James Lowry Donaldson, of Baltimore, and Dr. Walter Jones, of the House of Representatives, whose examinations were severally taken down and filed. To this point, he also produced the deposition of Colonel William Lowry, of Baltimore, and a memoir from the Secretary's office, entitled "History of the Trade of Louisiana," which is an exhibit referred to in Mr. John Graham's examination.

3dly. By attempting to disprove a circumstance mentioned in Mr. Clarke's affidavit, viz: his spending three days and nights in General Wilkinson's tent at Loftus Heights, in October, 1798; for that purpose the deposition of Dr. J. F. Carmichael was produced and filed.

General Wilkinson also took the deposition of Mr. Daniel W. Coxe, of Philadelphia, for the purpose of proving some circumstance to the disadvantage of Mr. Clarke. I have but an indistinct impression left upon my mind of the particulars sworn to by Mr. Cox, except that, after negating the interrogatories of General Wilkinson, suggesting anything to the disadvantage of Mr. Clarke, the witness proceeds voluntarily to disclose all the circumstances within his knowledge, corroborative of Mr. Clarke's evidence, or of the integrity of his motives.

The last witness produced by General Wilkinson, and the last evidence of any kind brought forward by him, prior to his delivering in his defence in writing, was Mr. Oliver Pollock, by whom he undertook to prove the innocence of his Spanish transactions and connexions, from circumstances within the personal knowledge of the witness; his examination was also taken down in writing and filed.

On the part of the prosecution, the following additional evidence was produced and filed, viz:

The deposition of Andrew Ellicott, who was required to state the whole of his knowledge and information relative to any transactions or connexion between Gen. Wilkinson and the Spanish government of Louisiana, or any of the officers or agents of that Government.

Also, the deposition of Robert Goodloe Harper, to corroborate Mr. Clarke's evidence, by proving prior conversations between them, in which the evidence relied upon by General Wilkinson, to fix upon Mr. Clarke inconsistent and contradictory declarations, was attempted to be rebutted or explained.

This, according to the best of my recollection, refreshed by the rough minutes and loose papers relative to the proceedings of the court, yet in my possession, was the whole of the evidence before the court when General Wilkinson rose to deliver his defence.

The court of inquiry had stood adjourned for some considerable time, when it met in June, 1808, for the purpose of bringing the case to a conclusion. During that month I was particularly, and almost constantly, engaged in attending to my professional duties at the circuit court of this district, then in session. I did, with some difficulty, contrive to attend the court of inquiry for the two days taken up by General Wilkinson, in de-

livering his defence, which was commenced on Friday, the 24th, and concluded on Saturday, the 25th June, 1808. In the course of reading his defence, he produced a great number of papers, referred to as exhibits, consisting of documents and affidavits which had never before been submitted to the court. Captain Fenwick, of the marines, sat by with these papers, arranged in regular order, and handed them over as they were called for in the progress of the defence. Every exhibit so referred to, and called for, was successively handed over to me as judge advocate and recorder, and carefully filed among the records of the court. I kept a rough minute, or numerical list of the new papers and documents quoted and produced by General Wilkinson upon that occasion, by reference to which I find that he produced fifty-five new exhibits, many of them comprising sundry enclosures not particularly noted. This list, or a fair copy, I am ready to produce to the committee, if required. The instant that the defence was concluded, I collected together, in the best order I could, all the papers belonging to the records of the court, and left them, with the three members, for their examination, in order to the making up, and forming their opinion in private. It was agreed between us that, while they were engaged in this investigation, my presence might be dispensed with until the members should have definitively made up their decision. In the morning of the 28th of June, I was called upon to meet the court of inquiry, and found that the definitive opinion of the court was ready drawn up in writing; it was then signed by the members in my presence; and, together with all the papers, delivered up to me for the purpose of making up a record of the proceedings in due form, and transmitting the whole to the War Department. The court, at the same time, communicated to me their request that, in making up the record, I should prefix to their opinion a methodical statement or summary of all the evidence in the case, as well oral as documentary. The completion of the duties thus remaining to be executed by me as judge advocate, would, under the pressure of other business, then upon my hands, have required from ten days to a fortnight. General Wilkinson was, as I understood, very urgent to have his fate finally decided and promulgated prior to the then ensuing anniversary of independence; and I received either a note or a verbal message (I cannot now say with certainty which) from the Secretary of War, requesting me immediately to transmit the opinion of the court, and all the requisite evidence and documents to be returned to me as soon as the President of the United States should have considered them.

I immediately set about making the best arrangement, in my power, of the papers; distributing them into several bundles in such order as might enable the President to go through the examination of them with the least labor, and to the best advantage; for easily understanding the relation of each to the points of the case, each bundle having a label, on which its general con-

Brigadier General James Wilkinson.

tents were noted in my handwriting. I recollect that General Wilkinson's defence constituted one of the bundles, and the new exhibits referred to in it another. On the same, or the next day, after the court had delivered their opinion, the papers were sent, in the state I have described, to the War Department, accompanied by a letter from me to the Secretary, stating to him the informal condition in which the record was transmitted, according to his request, and the necessity of having the papers returned to me, as soon as the President should have done with them, for the purpose of completing the record. It is proper to mention that, upon looking over the loose papers and minutes, relative to the proceedings of the court of inquiry, yet in my possession, I find that, from some cause which I cannot now with certainty account for, but, it is probable, from casual inadvertence, I omitted sending one original document, properly belonging to the evidence in the case, and which I now produce to the Committee, and that is the memoir entitled "History of the Trade of Louisiana," referred to in Mr. John Graham's examination.

I heard nothing further on the subject till I saw, in the National Intelligencer, of the 4th of July, 1808, the opinion of the court of inquiry, approved by the President of the United States. My professional engagements continued to occupy me, without intermission, for a considerable time afterwards; and when I did find myself at leisure to undertake the completion of the record, I learned that Colonel Burbeck, the President of the court, whose signature was necessary, in addition to my own, in order to authenticate the record, had been, in the meantime, detached to some distant post. As the President of the United States had already acted upon the case, and there was no immediate necessity for a more complete record, I thought it as well to postpone the matter in expectation of Colonel Burbeck's return in some reasonable time. It was not till some time late in September, or early in October last, soon after my return from the country, that I heard of Colonel Burbeck's being in town, and it immediately occurred to me that it was a good opportunity to finish my long postponed task. For that purpose I requested one of the clerks in the War Department, with whom I accidentally met, to send me the papers. After some time, and upon further application, I was informed they were missing, but it was some time before it could be distinctly understood what had become of them. It was sometime during this winter that I was informed that it was certainly ascertained General Wilkinson had taken possession of them. I do, with the utmost certainty, aver that, until the information came to me in the time and manner I have just described, I had all along remained in the most assured security that the papers were safely deposited, and carefully preserved in the War Office, ready for me to act upon, whensoever the proper opportunity should occur for making up the record in due form; and that I had never the least suspicion or knowledge of the fact that they were in the

custody of General Wilkinson, nor of any circumstance that could render the supposition of such a fact in the least degree probable. I do recollect that, on the day I transmitted the papers to the War Department, General Wilkinson, requested that, when they came again into my possession, he might have the loan of his defence, in order to correct or retouch the language, preparatory to a publication of it; that, I informed him, was an indulgence I had always thought it reasonable to allow persons in his situation, reserving to myself, however, the privilege of seeing that no material statement contained in the defence should be substantially varied. I do further recollect that he expressed a desire to have a full copy of the whole record and documents, which I informed him he would, as I conceived, be entitled to request from the War Department.

I have, at the request of the committee, looked over (without making, however, any particular examination of their respective contents) the bundle of papers said to have been returned by General Wilkinson, as all the documents in his possession, relative to the court of inquiry, and I am not enabled to say, either from my own recollection, or from any written memoranda in my possession, that there is now any deficit among those papers which constituted the evidence of witnesses, and the documentary evidence produced and filed prior to the time of General Wilkinson's delivering in his defence. Of the other papers transmitted by me to the War Department, together with those last mentioned, and as a parcel of the same proceeding, there are missing the whole of General Wilkinson's written defence, and all those fifty-five exhibits, produced for the first time, in the course of delivering that defence, except that I perceive, in the bundle, certain papers which I believe to be four of those exhibits, viz: the affidavits of Silas Dinsmore, Dr. G. E. Pendegrast and Captain John Bowyer, and certain extracts from the correspondence of the Louisiana commissioners with the Secretary of State. I perceive, in the bundle, one paper, viz: John Brown's affidavit, of which I have no recollection, nor any written memorandum; it may, however, have been among those upon the file of the court, and may have been overlooked or forgotten.

The circumstances attending the original production of the papers now missing, and the transient manner in which they passed through my hands, must satisfactorily account for the imperfect answer I am obliged to make to the inquiries of the committee into the contents of a certain part of them; it was for the purpose of accounting for this that I have dwelt so minutely upon certain points that might otherwise appear to be frivolous.

As to the account current between General Wilkinson and Governor Miro, mentioned in the opinion of the court, the following is all that I can at present recollect concerning it, either from my own memory or any written memorandum in my possession.

It was emphatically commented on by Gene-

Brigadier General James Wilkinson.

ral Wilkinson, as having been fortunately preserved through the many casualties and hazards to which his papers had been exposed, and by which many of them had been destroyed, and as furnishing demonstrative evidence of the innocence of his transactions with the Spanish Governor. It was introduced from among a number of letters and papers stated to be either in the handwriting of, or to have been transmitted by, General Wilkinson's deceased agent, Philip Nolan, and it was stated to be an account current signed by an agent of Governor Miro, and rendered to Philip Nolan, and by him transmitted to General Wilkinson; it was handed round among the members of the court, and when it came to me to be filed I ran my eye hastily over it. I cannot recollect, with any precision, either the date, the items, the gross amount, or the balance; nor can I recollect the name or quality of the Spanish agent by whom it was signed and rendered; it was either enclosed in a letter from Philip Nolan to General Wilkinson, or tied up with letters, or other papers of Nolan, so that the account, together with a certain number of those papers, formed one exhibit. I do not find, upon recurrence to my list, that the account is specifically mentioned in it; but I feel morally certain in my own mind, that it was comprised in one of two exhibits mentioned and described in that list as follows: "No. 6. Papers of Nolan." "No. 9. Nolan's letters." And further this deponent saith not.

W. JONES, Jr.

WASHINGTON COUNTY, ss.

On this 1st day of May, 1810, before the subscriber, a justice of the peace for said county, appeared Walter Jones, jr., and made oath in due form, that the foregoing facts, as stated, are true to the best of his knowledge.

DANL. RAPINE.

D. W. C.

Personally appeared before me, Daniel Rapine, Daniel W. Coxe, of the city of Philadelphia, merchant, who, being duly sworn according to law, doth declare and say, that the following documents and papers:

No. 2. A letter from James Wilkinson to Daniel Clarke, dated 27th October, 1807;

No. 3. An agreement between James Wilkinson and Daniel Clarke, dated 7th August, 1788, in Philip Nolan's handwriting;

No. 4. James Wilkinson's accountable receipt to Daniel Clarke, dated September 18, 1789;

No. 5. An affidavit of John Ballinger, dated January 12, 1789;

No. 6. A letter from Evan Jones to Daniel Clarke, dated February 16, 1809;

No. 7. An affidavit of F. Langlois, dated the 29th December, 1808, containing two original letters to himself from the Baron de Carondelet, dated 28th January and 28th June, 1795;

No. 8. An affidavit from Dominique Bouligny, dated January 16, 1809;

No. 9. An affidavit of Thomas Power, dated March 18, 1809;

No. 11. An affidavit of William Miller, dated March 11, 1809;

No. 13. James Wilkinson's letter to Colonel John Adair, dated August 7, 1795;

No. 14. Thomas Portell's certified copy, in his own handwriting, of the Baron Carondelet's instructions to him, dated January 20, 1796, with translation thereof, from the Spanish;

No. 15. Thomas Power's letter to Don Thomas Portell, in Spanish, in the handwriting of Power, dated June 27, 1796, with a translation thereof;

No. 16. Thomas Portell's letter to Thomas Power, in Spanish, in the handwriting of Portell, dated the 27th of June, 1796, with a translation thereof;

No. 17. Thomas Power's affidavit, dated March 18, 1809;

No. 20. Thomas Power's draught, in his own handwriting, of his letter, dated 27th June, 1796, in the French language, to the Baron de Carondelet, with a translation thereof;

No. 21. Thomas Power's draught of his letter in English, in his own handwriting, and dated 27th June, 1796, to Governor Gayoso;

No. 22. Thomas Power's draught of his letter, in French, in his own handwriting, and dated 3d January, 1797, to the Baron de Carondelet, with a translation thereof;

No. 23. Thomas Power's draught of his letter in English, dated January 3, 1797, to Governor Gayoso. Accompanying these last four numbers, and Nos. 40 and 43, is Thomas Power's affidavit, dated March 18, 1809, in relation thereto;

No. 25. James M. Bradford's affidavit, dated March 17, 1809;

No. 27. James Wilkinson's account current (in Philip Nolan's handwriting) with Clarke & Rees, dated August 8, 1788;

No. 28. James Wilkinson's account current with Clark & Rees, dated May 1, 1789. N.B. This is contained in account book, page 30;

No. 29. Philip Nolan's account of sales of tobacco, in his own handwriting, dated September 21, 1790;

No. 30. James Wilkinson's letter to Clark & Rees, dated May 20, 1790;

No. 31. James Wilkinson's letter to Clarke & Rees, dated June 20, 1790;

No. 32. Wilkinson & Duun's account current with Clarke & Rees, dated August 39, 1789, and September 5, 1789, with James Wilkinson's order and Philip Nolan's receipt for balance;

No. 33. Philip Nolan's declaration, dated September 10, 1790;

No. 34. Thomas Power's affidavit, dated March 18, 1809;

No. 35. Secret instructions from James Wilkinson to Thomas Power, in P. Nolan's handwriting.

No. 36. Thomas Power's letter, in Spanish, dated May 9, 1797, in his own handwriting, to the Baron de Carondelet, with translation;

No. 37. Baron de Carondelet's letter, in Spanish, to Thomas Power, dated May 28, 1797, with translation thereof;

No. 38. Baron de Carondelet's letter to Thomas

Indemnity for Prizes restored by Denmark.

Power, in French, dated May 26, 1797, with postscript of May 28, and translation;

No. 40. Thomas Power's draught of his letter, in French, in his own handwriting, to Baron de Carondelet, dated June 4, 1797, with translation thereof;

No. 42. James Wilkinson's letter to Thomas Power, dated September 5, 1797;

No. 43. Thomas Power's draught of his letter, in his own handwriting, in Spanish, to Governor Gayoso, dated December 5, 1797, with a translation thereof;

No. 44. Baron de Carondelet's letter, in French, to Thomas Power, dated April 23, 1797, with translation thereof;

No. 70. James Wilkinson's letter to Thomas Power, dated Greenville, May 25, 1796;

No. 71. A letter in James Wilkinson's handwriting, though without his signature, to Daniel Clarke;

X. A letter from James Wilkinson to Daniel Clarke, dated June 9, 1805, introducing Colonel Burr;

No. 78. James Wilkinson's letter to General John Adair, dated May 28, 1805, alluding to Colonel Burr;

G. Y. A certified copy of a letter from James Wilkinson to Governor Gayoso, in the handwriting of Gayoso, and dated September 22, 1796;

A. A letter from Joseph Collins to Daniel Clarke, dated March 10, 1809; have been delivered by this deponent to the Committee of the House of Representatives of the United States, appointed to inquire into the conduct of General James Wilkinson, by a resolution of the 4th of April, instant, and that the said papers are genuine, to the best of his knowledge and belief, and in the handwriting of the persons therein respectively designated. D. W. COXE.

WASHINGTON COUNTY,

DISTRICT OF COLUMBIA, ss: }

On this 30th April, 1810, before the subscriber, a justice of the peace for said county, appeared Daniel William Cox, and made oath, in due form, that the facts stated above are true, to the best of his knowledge. D. RAPINE.

INDEMNITY FOR PRIZES.

[Communicated to the House, February 5, 1810.]

Mr. JOHNSON, from the Committee of Claims, to whom was referred the petition of Peter Landais, made the following report:

That it appears from the memorial and documents that the Alliance, a frigate of the United States, was commanded by the memorialist in the late Revolutionary war, and, in concert with other armed vessels of the United States, on a cruise in the north of Europe in the year 1779, captured three British vessels, and sent them as prizes into Bergen, in Norway: that, on the arrival of these prizes at Bergen, where they were consigned to the French Consul, they were seized

by order of the King of Denmark, and restored to the original British proprietors, on the ground that as Denmark did not acknowledge the independence of the United States, the captures were arbitrarily deemed illegal. The petitioner claims of the United States his proportion of the prize money.

This conduct on the part of Denmark was most certainly in violation of her neutral character, and an unwarrantable interposition in the war between the United States and Great Britain. The justice or injustice of the war was not a subject of decision which belonged to a neutral Power. No preference should have been given to either party in the war. There should have been an equality of friendship, or a conduct equally abstaining from injury. So far from observing this conduct in the transaction, Denmark departed from this line of impartiality, by a positive act and exercise of power, in divesting those who were in the service of the United States of an inchoate right to property, by giving it back to British subjects who had, at least, lost the possession of it. At the period of restoring these prizes the United States had declared their independence, and that independence had been acknowledged by some other nations. But, in another point of view, if Denmark considered the struggle with Great Britain as nothing more nor less than a civil war, still the restoration of the prizes to the other party in the war would still be unauthorized by those rules which are binding in reason and by the laws of nations upon neutral Powers. This last position is corroborated by the opinion of the Secretary of State, now the President of the United States, in his report on this subject; and, consequently, in every rational view of the subject, the claim of damages upon Denmark, for the restoration of said prizes, remains obligatory. The committee, upon the most deliberate examination of this case, are without doubts that the United States are not bound, in equity or justice, or by the laws of nations, to pay to the petitioner any portion of the said prizes, which might have been the share of the petitioner if his inchoate right had not been defeated by the restitution of the prizes. But the practice of the United States, during the Revolution and since, has been in opposition to such claims. The citizens of the United States have a right to expect protection from their Government; but in no situation have the United States ever considered themselves bound to make pecuniary compensation to those of her citizens who have suffered loss by the encroachments of foreign nations. But the United States have sacred and important duties to perform to herself and her citizens in this respect: not in making pecuniary compensation herself, but in maintaining the honor of the nation, enforcing obedience to her neutral rights, and in procuring indemnity from such aggressing Power, so far as may be practicable and consistent with the means and independence of the United States. But this conduct of the United States must be voluntary on the part of the Government. The Government alone

Indemnity for Prizes restored by Denmark.

is the judge what should be done in any individual or in a general complaint; and your committee have confidence that the Government will pursue that course which is most honorable, equitable, and useful, having a just regard to individuals as persons, and the whole community as a body politic; and, upon this occasion, the United States have not been negligent in making use of reasonable exertions, and furnishing rational means of procuring from Denmark damages for the restitution of the prizes aforesaid to the original British owners. A concise view of the proceedings on this subject will best prove this position. As soon as the Danish Government, by the solicitation of the British Minister, gave orders to restore the three prizes captured by the Alliance, information of it was given to Dr. Benjamin Franklin, then in France, who immediately communicated this intelligence to the Congress of the United States, and also sent a memorial to the King of Denmark, protesting against the restitution, and demanding the order to be rescinded, and the vessels to be delivered to the French Consul, from whose care they had been taken, and demanding compensation to the amount of fifty thousand pounds sterling, at which these prizes were then estimated, provided they were not in a situation to be restored to the captors: that, in consequence of the letter of Dr. Franklin to Congress, a resolution was adopted the 25th of October, 1787, instructing our Minister at Versailles to renew the claim upon Denmark for the prizes given up to Great Britain during the war, and demanding a pecuniary compensation equivalent to the value of them; investing the said Minister with power finally to settle said claim, and, if necessary, to appoint Chevalier John Paul Jones, or any other agent to the Court of Denmark, with such powers and instructions as he might deem most conducive to a successful issue. In consequence of which power Paul Jones was appointed their agent by Mr. Jefferson, late President of the United States, and then Minister at Paris; that this agent went to Copenhagen, and in March, 1788, repeated the claim of compensation. The Danish Government answered this agent, that the affair would be referred to the Baron de Blome, the Danish Minister at Paris, to be negotiated between him and Mr. Jefferson. The petitioner's, and the other vessels cruising in concert, were under the command of Chevalier Paul Jones in the first voyage, if not during the whole cruise, and Chevalier Jones and the commanders of the squadron entered into a written agreement for the distribution of the prize money which might accrue upon the success of the cruise; which agreement the petitioner has attempted to invalidate, and upon which the committee do not feel themselves called upon to decide: that after the last application was made by Paul Jones to the Danish Court he entered the Russian service, and no measures have ever been taken since: so that reasonable exertions were made at those times to obtain compensation for those prizes; but all was fruitless.

The Danish Court has never denied the right of the captors to indemnity. When Dr. Franklin wrote to Count Bernstorff, he referred him to Baron de Blome, the Danish Minister in France; and upon the application of Commodore Paul Jones, promise of negotiation was made, and referred to the same Minister. It is the opinion of your committee that the Government never should relinquish said claim, in any transactions or negotiations between the two Governments; and they hope, upon a convenient opportunity, to renew this claim of damages, when the Court of Denmark would be disposed to settle agreeably to justice, from a love of that neutral character by which Denmark has acquired so much glory, and in order, likewise, to emulate the conduct of the United States towards the subjects of that Kingdom. But your committee cannot think that the petitioner has any legal claim upon this Government; but the Government alone is the judge, and the rightful judge, what measures should be pursued in relation to the subject, and all others of the same tenor. The committee feel no inclination to deny that the memorialist fulfilled the orders of his superiors; nor do they feel it their duty to examine that point, nor whether the agreement entered into by the petitioner and the commanders of the squadron sailing in concert would be binding or nugatory, as those two positions can have no bearing upon the present inquiry, which is, whether the United States are liable to the captors for the three prizes restored by Denmark as stated.

The right to make war belongs to the sovereign power of a nation, which rests with the people of the United States, by their representatives; and individuals cannot take any steps themselves without authority. Persons, therefore, fitting out privateers to cruise against the enemies of that country of which they are members, acquire the property of whatever captures they may make as a compensation for their services, disbursements, and the risks they run. They acquire the right from the commission which issues to them from the power controlling the operations of the war; and these captures are made under certain regulations or laws adopted by the power granting the commissions. Sometimes a part, sometimes the whole capture, belongs to the captor; this depends upon rules, or the contract by which the distribution is regulated. And though the love of justice and hatred of oppression may enter into the motives or inducement for this service of making captures, the prospect of riches constitutes part of the inducement: so that the nature of the service proves satisfactory that the United States never intended to be responsible for the captures lost in such a way, or in any other way where the United States could not control, by reasonable precaution, the event which produced the loss; and, in fact, where the United States are not culpable, they are not liable.

The nature of this service in the American Revolution was known to all engaged in it, and more especially the perils of cruising in the very

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neighborhood of England, with her formidable navy, the place where these prizes were taken. In this situation, to give the squadron as mentioned all the benefit arising from the importance of the United States, and to prevent those engaged in her service from being considered as pirates, they not only acted under commissions, but orders from Dr. Franklin, who designated the neutral ports where it was most probable the captures would be safe until they could be sent with more safety to the United States, or some ally: and for the benefit of this squadron and the American cause, he gave written orders, by which the squadron was to be governed; and in one of his letters of instruction to Chevalier John Paul Jones, he says: "The prizes you make send to Dunkirk, Ostend, or Bergen, in Norway, according to your proximity to either of these ports." Thus giving his own weight of character, and the influence of the United States, for the benefit of those employed in the public service of this country, and from his information directing the captors to places of the most security.

The observations made above will apply with equal if not greater force to the case of the memorialist, who was in the service of the United States, commanding a frigate, with the advantages of capture allowed to others commanding privateers.

It is also well established by the law of nations, previous to the Revolution, and which law was, during the Revolution, acknowledged and acted under by the United States, that the property in goods captured cannot be transferred, so as to divest the right of the original owner, unless by a sentence of condemnation by a court of competent jurisdiction; and the courts of the United States, or the courts of an ally, alone would have been competent; so that the captors never had a vested right. The capture gave an inchoate right, which would have been perfected by condemnation of a competent tribunal; and the letters of Dr. Franklin show that the prizes were intended for the United States, and much danger was apprehended. In *Johnson's New York Reports*, vol. ii, p. 471; *Brown's Civil and Admiralty Law*, p. 251 to 260; *Azuni*, vol. ii, p. 242; this doctrine above is established: all which prove the hazards of the captors, and by one of those unforeseen events did defeat their right before its completion.

Upon inquiry from the Department of State, it appears that the United States have no funds of any kind in possession belonging to Denmark, and no part of this claim can be distinguished in that way. The committee hope that the claim will not be disregarded in any adjustment of the claims or other complaints which may be the subject of negotiation between the two countries of Denmark and the United States.

This view taken of the subject has been predicated upon the ground that the commanders of the squadron, of which the memorialist was one, had been set on foot by the United States alone. But there is a different view of the subject, from which it would result that, if there was any lia-

bility in this case, France would be the responsible nation, or at least equally bound with the United States.

It appears to your committee that, previous to the cruise of the squadron with which the Alliance was associated, the Court of France had some naval expedition in view against England; and as Paul Jones, Esq. had signalized himself in a sea engagement in taking the Drake, application was made to Dr. Franklin for his services to command in the enterprize, which was granted. The project was formed by the Court of France. Paul Jones was furnished with some of the King's ships, the officers of which were to have temporary American commissions, and for some reasons of the Ministry of France it was wished that the expedition might be considered as American, and that Dr. Franklin should give the instructions in his name; but he never paid or received, in behalf of the United States, any money, directly, or indirectly, on account of this enterprize, and the whole outfit for the squadron was committed to Monsieur de Charmount, an agent of the French Government; and, after several changes as to the destination of the enterprize, the final intention, under which the cruise set sail, was to intercept and attack the Baltic fleet. At the time of this enterprize, France being engaged in war with England, and the ally of the United States, the Alliance frigate was under orders to carry Mr. John Adams back to America from Europe; and the Minister of the French Marine, by a written letter, requested of Dr. Franklin that he would lend the Alliance to strengthen the little squadron aforesaid, offering a passage to Mr Adams in one of the King's ships. Dr. Franklin consented to the request, with the double view to oblige the Minister of the Marine, and to obtain some English prisoners to exchange for the Americans in captivity in England. That the ships with which the Alliance was consorted were, 1st, the *Bonhomme Richard*, bought and fitted by the King of France for Captain Jones: 2d, the *Pallas* frigate; 3d, the *Vengeance*, a corvette; 4th, the *Cerf*, a cutter, all belonging to the King; and two privateers sailed with the squadron, but were not considered as part of the armament; that Dr. Franklin made no agreement, nor any other person for him, with the commanders of said expedition, respecting the shares they were to draw severally of the prizes which might be taken during the said cruise; that he lent the vessel (Alliance) at the Minister's request; and that the captain, before they sailed, entered into an agreement to divide the prizes according to the rules of the United States, as they acted under American commissions and colors. It appears that, although Dr. Franklin expected the prisoners taken, by lending the Alliance, to exchange with Great Britain, he was disappointed on account of difficulties which occurred in Holland, and they were exchanged for French prisoners; that the disbursements for the frigate Alliance were paid by the King of France, while under the command of Captain Jones, including the period in which the

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prizes were taken, viz: 1st, on her refit in Holland, and, 2d, on her refit after her return to L'Orient; and though the petitioner considered himself not under the command of Commodore Jones after her return to France, (the first time after he had made the captures which were sent to Bergen,) still Dr. Franklin considered him in that service. For it is certain that the memorialists acted under the orders originally given to Paul Jones, which copy was given him because it was uncertain whether the *Bonhomme Richard*, commanded by Paul Jones, could cruise as soon as the *Alliance*, and whether the agreement entered into by the commanders was binding, respecting the prizes taken while Jones was absent, which is not the province or duty of the committee to determine. It was after these prizes had been taken and carried into Bergen, that the *Alliance* again joined the squadron of Captain Jones, a few days after, off Flamborough Head, about the 22d of September, 1779, when they engaged together and took the two English men of war, the *Serapis* and *Countess of Scarborough*. Your committee are of opinion that the *Alliance* joined in the enterprise set on foot, projected, and patronised by the Court of France against the common enemy of the United States and France, and that the commanders undertook the enterprise, knowing all the circumstances enumerated, and entered into an agreement with each other as to the share of the profit; and although the committee cannot see that France or the United States should be liable to make good the damages to the memorialist, still, if any be liable, it would certainly be the French Government, if not in whole, at least in equal parts. Vide Franklin's Works, vol. 5. p. 80.

Upon this view of the subject, the committee submit the following resolution:

Resolved, That the prayer of the petitioner ought not to be granted.

GENERAL ARTHUR ST. CLAIR.

[Communicated to the House, February 23, 1810.]

Mr. JOHNSON, from the Committee of Claims, to whom was referred the petition of Arthur St. Clair, made the following report:

That the petitioner claims the reimbursement of the sum of eighteen hundred dollars, advanced by him in the year 1776, to Major W. Butler, of 2d P. B., to begin in the northern department the re-enlistment of the troops then in service, in order to form a part of the permanent army of the United States, conformably to the resolutions of Congress; which claim is founded upon a receipt in the following words and figures, viz:

"TICONDEROGA, October, 26, 1776.

"Received of General St. Clair eighteen hundred dollars, for the recruiting service.

"WM. BUTLER, Major 2d P. B."

Which paper is hereunto annexed; under which receipt, and on the same paper, the following memoranda are made: "Gave Captain Wilson

one hundred and fifty-four dollars for the same purpose; October 30, Captain Moore three hundred and sixty-two dollars; November 3, Mr. Armstrong seven dollars and ten cents." The committee are satisfied that the petitioner advanced the sum mentioned, for the object and in the manner set forth by the memorialist; that it was applied to the re-enlistment of the permanent army by Major Butler; that the United States have received the benefit of the sum advanced; that neither the United States nor Major Butler have ever paid any part of the said sum to General St. Clair. Of the authenticity of Butler's receipt there can be little doubt. Besides the internal evidence of the original paper, and being on a piece of paper containing private memoranda, written with the same pen and ink apparently, the certificate of Joseph Howel, jun., assistant commissioner of army accounts, that the claim had been laid before him 6th November, 1787; and also, that before the death of Major Butler, or as early as 1793, the receipt was put in possession of Mr. Ross, an attorney, to bring suit against said Butler. Howel's certificate, No. 1. Ross's certificate, No. 2. In a transaction of this kind, the committee would not be satisfied of the justice of this claim, upon a proof that the money had been advanced for the United States; but would require presumptive satisfactory evidence that the reimbursement never had been made of this particular sum.

This evidence is furnished by the circumstance of this case, and the documents of the memorial. Although the memorialist has had various settlements with the Government of the United States, except the final settlement of his accounts for revolutionary services with Pierce in 1787, he never could, with propriety, have made the claim, as they were accounts arising for disbursement of moneys for specified purposes, and for services and claims arising from considerations long since the American Revolution, and with which other claims could not have been blended. In the settlement of his army accounts with Pierce, he might have laid in his claim for the \$1,800. No positive proofs, independent of the positive declarations of the memorialist, exist of the exhibition of the claim for settlement at that time. But the certificate of Joseph Howel, the successor of Pierce, establishes two facts, which remove all doubts on this part of the subject: that William Butler, to whom the \$1,800 had been advanced, had not settled his public accounts, which was the reason why Pierce could not admit this claim as alleged by St. Clair; and secondly, that the \$1,800 did not appear upon the books of the office of army accounts in favor of the memorialist; and the want of a settlement of accounts with Butler seemed a reason why Howel did not take upon himself to settle said claim the 6th of November, 1787; from these two facts, it seems certain that the petitioner, in 1797, made claim to this \$1,800, which had not been allowed, and that all subsequent settlements and transactions between him and the United States were of a totally distinct nature, and could not include

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such a claim as this. Considering the circumstances of this case, the committee do not think the lapse of time a presumptive evidence that the claim has been paid, having a particular regard to the conduct of General St. Clair; he has not been negligent in making claim either against the United States or William Butler. The presumption is strong that this claim was presented to Pierce for settlement in 1787. It is certain it was presented to Howel the 6th November, 1787; that before the death of Major Butler, he gave the receipt to Mr. Ross, upon which to bring a suit, about the year 1793, and, after Butler's death, applied to his executors; that he presented his petition to reimburse him this money in the year 1803; that previous to this time, Ross had returned the receipt of Butler, upon a belief that an action would not lie against his executors for money advanced for public purposes; and that in 1809, the executrix of William Butler refused to give the petitioner his books, containing his account with the petitioner; that the memorialist never could have presented his claim to any of the officers of the Government for liquidation after the 23d of July, 1788; (see vol. 12, journals of old Congress, page 77;) and the statute never was suspended as to this class of claims; the suspension only applied to a prior resolution, respecting claims for military services which were barred after August, 1786; (see vol. 10, journals, page 255;) and the act suspending the statute of limitations, passed the 27th March, 1793, only as to claims for personal services; (see Laws, vol. 2, pages 31, 32.) A paper purporting to be a statement of accounts between General St. Clair and Major Butler in the handwriting of the petitioner; the petitioner has satisfactorily explained how that paper came to be in his own handwriting; but that paper, if evidence in the case, would establish important facts in favor of General St. Clair. It appears, by this document, that the money was advanced by General St. Clair, and that money applied to the benefit of the United States and balanced by money expended by Major Butler in the recruiting service. So far from these facts absolving the Government from the payment of this claim, they make the claim more obligatory upon the United States, as the money was advanced at a most perilous and interesting moment, and gives the claim the most meritorious marks; nor can there be any presumption that this money had been previously paid to General St. Clair by the Paymaster General or any of the officers or agents of the Government, but the presumption is very strong the other way, that it was not advanced to him by the agents of the United States: first, because he had then received the commission of General, and did not stand in such a relation to Major Butler, as to suppose with him the deposit of money was made for the use of Major Butler: second, the time and place of making the advance in the North, proves, with other facts, that Major Butler had finished the recruiting service in the formation of his company while captain and in Pennsylvania, and that the recruiting the men to enlist as a perma-

nent part of the army was the recruiting alluded to. (See General Washington's letter on this subject, referred to by the memorialist.) It is believed by the committee, that the money advanced to Major Butler to recruit his company in Pennsylvania was furnished by the United States, and given to the petitioner while colonel in the United States' army, and in the State of Pennsylvania; and the account between Colonel St. Clair and Captain Butler, as to money for recruiting men, in the first instance, ceased with the completion of that employment, which ended after the army left Philadelphia for the North; and on August 12th, 1776, Colonel St. Clair was commissioned Brigadier General, and the money advanced to Major Butler was on October 26th; and it is presumed, unless the contrary appears, that General St. Clair's elevation in rank changed his relations as it respected the men commanded by Major Butler, and that he had nothing to do with the regiment of which Butler was a part, only as it composed a part of his brigade. Independent of these considerations, the existence of the receipt of Major Butler, in the possession of the petitioner, furnishes strong and violent presumption that the money mentioned in it has never been paid, either by the Government or Butler; if by the Government, the foundation of the claim would have been required, and as the receipt was the basis of that claim, it must have been repaid; if Butler had ever satisfied this claim, he certainly would have taken in his receipt. It would be a presumption, not warranted by law or reason, to suppose that the petitioner has ever been divested of this paper, and that he has, in any way whatever, come to the improper possession of the receipt again. The fact must be taken as found, that he holds the receipt *bona fide*, without its having ever been discharged. The committee need not say more, to show the impropriety of blending this account of \$1,800, with other accounts, between the petitioner and William Butler, or with the United States; the item of \$1,800, advanced at Ticonderoga, has alone occupied the attention of the committee, and they think it would be improper to blend it with other distinct inquiries, not embraced by the claim. They are satisfied that the petitioner advanced the money; that it was applied to the benefit of the United States; that he has used reasonable diligence to have said claim settled; and that the said sum has never been paid by the United States or Major Butler to the petitioner; and if it appears upon the Treasury books, or books of the War Office, that General St. Clair is indebted to the United States, it cannot invalidate his claim; in this case it could only go as an offset for so much. But this inquiry is not before the committee; there is a remedy for the case of public debtors. This claim being barred by the statute, the committee, as in other cases, feel bound to recommend the following resolution:

Resolved, That the prayer of the petitioner ought not to be granted.

[NOTE.—The papers referred to in this report are not now to be found.]

The Embargo—Instructions to Collectors.

EMBARGO.

[Communicated to the House, May 25, 1809.]

TREASURY DEPARTMENT,
May 23, 1809.

SIR: The act laying an embargo, passed on the 22d of December, 1807, has, in conformity with the expressions used in the twelfth section of the non-intercourse act, been considered as still in force, so far as related to foreign vessels. Such vessels have, therefore, been permitted to depart only in ballast, or with the cargo on board, when notified of the embargo. That construction of the law necessarily flowed from the expressions alluded to, which limit the repeal of so much of the embargo acts as related to the departure of vessels, to vessels owned by citizens of the United States—expressions which would have been altogether inoperative, had a different construction been adopted. Nor was the Executive vested with any discretion to make a distinction in favor of vessels belonging to those nations with which commercial intercourse was permitted by the act, however consistent with the presumed intention of the Legislature such distinction might have been.

Without dwelling on the inconveniences which have resulted, it is only necessary to add that the expressions used in the eleventh section of the non-intercourse act, by virtue of which the commercial intercourse with Great Britain will again be permitted after the 10th day of June, are such as certainly to repeal every restriction laid by the embargo laws on British vessels. It follows that, after that day, those vessels will, in the ports of the United States, be permitted to take on board cargoes, and to depart with the same for any permitted foreign port, while foreign vessels, belonging to the other nations with which commercial intercourse is permitted, will still be forbidden to depart with such cargoes on board. As it is presumable that a bill intended to correct that defect would be altogether unobjectionable, and as there are now in the ports of the United States many foreign vessels belonging to friendly nations, which are detained only on that account, permit me respectfully to submit the propriety of acting immediately on the subject, and without waiting for a decision on the more complex modifications of the non-intercourse act which the late change in our foreign relations may render necessary.

I have the honor to be, &c.

ALBERT GALLATIN.

Hon. CHAIRMAN, *Committee of Commerce, &c.*

INSTRUCTIONS TO COLLECTORS.

[Communicated to the House, Jan. 20, 1810.]

TREASURY DEPARTMENT,
January 20, 1810.

SIR: I have the honor, in obedience to the resolution of the House of Representatives of the

8th instant, to transmit copies of the only general instructions to the collectors of customs, to be found in the records of this department, relative to refusing clearances to any private armed vessel of the United States.

By the first, bearing date April 8, 1797, it is directed "that the sailing of armed vessels, not *bona fide* destined to the East Indies, be restrained until otherwise ordained by Congress." Although no instructions of a prior date to that effect, appear to have been given by the Treasury Department, it is understood that this regulation only confirmed what had been the previous general practice. And it has ever since been considered as being in force, except when superseded for a time by the temporary instructions of March 21, 1798, herewith transmitted, and during the continuance of the acts of Congress of June 25, 1798, and March 3, 1805; the first of which expired on the 3d of May, 1802, and the last on the 21st of April, 1806.

I have the honor to be, &c.

ALBERT GALLATIN.

The Hon. SPEAKER of the House, &c.

TREASURY DEPARTMENT,
April 8, 1797.

SIR: The depredations, to which the commerce of the United States is at present exposed, have given rise to a question, which, being of general concern, is therefore made the subject of a circular communication.

The question is, whether it be lawful to arm the merchant vessels of the United States, for their protection and defence, while engaged in regular commerce?

It is answered, that no doubt is entertained, that defence, by means of military force, against mere pirates and sea-rovers, is lawful; the arming of vessels, *bona fide* engaged in trade to the East Indies, is, therefore, on account of the danger from pirates, to be permitted as heretofore; but, as the arming of vessels destined for European or West India commerce raises a presumption, that it is done with hostile intentions against some one of the belligerent nations, and may cover collusive practices, inconsistent with the act of Congress of June, 1794, unless guarded by provisions more effectual than have been hitherto established; it is directed that the sailing of armed vessels, not *bona fide* destined to the East Indies, be restrained until otherwise ordained by Congress.

Information has been received that some vessels are arming by strangers, for the purpose of capturing the vessels of the United States. The utmost vigilance, on the part of the collectors, to prevent the progress of this evil, is enjoined. Where there is reasonable ground to believe that vessels are equipped for the purpose of being employed against the commerce of this country, they are to be arrested, and the circumstances stated to this department. I am, &c.

OLIVER WOLCOTT.

To the COLLECTOR of the Customs of —.

*Instructions to Collectors.*TREASURY DEPARTMENT,
March 21, 1798.

SIR: It has been determined by the President of the United States, that, under present circumstances, it has become necessary to modify the instructions issued from this department, on the 8th of April, 1797, in such manner as no longer to restrain vessels of the United States from sailing in an armed condition, when destined to be employed in a regular and lawful commerce.

But though you are to consider the general prohibition as no longer remaining in force, it is the express command of the President, that you seize and detain all vessels respecting which there may exist reasonable ground of suspicion, that they are intended to be employed contrary to law, and particularly to the act of Congress passed on the 5th day of June, 1794, entitled "An act in addition to the act for the punishment of certain crimes against the United States," or the act passed the 14th day of June, 1797, entitled "An act to prevent citizens of the United States from privateering against nations in amity with, or against citizens of the United States."

You will also consider it to be your duty to prevent evasions of the act passed on the 14th day of June, 1797, entitled "An act prohibiting for a limited time the exportation of arms and ammunition, and for encouraging the importation thereof;" by confining the quantities of the said articles which may be returned as constituting the equipment of any vessel within reasonable limits.

A confident reliance is entertained that all your proceedings under these instructions, will be marked with decision and impartiality.

I am, &c.

OLIVER WOLCOTT.

To the COLLECTOR of the Customs of —.

[Communicated to the Senate, Feb. 23, 1810.]

To the Senate of the United States:

I transmit to the Senate a report of the Secretary of the Treasury, complying with their resolution of the 16th instant.

JAMES MADISON.

FEBRUARY 22, 1810.

TREASURY DEPARTMENT,
February 22, 1810.

In obedience to the resolution of the Senate of the 16th instant, the Secretary of the Treasury respectfully reports to the President of the United States:

That exports to, and imports from, the ports of France have not been, nor are now, permitted, in the act "to interdict the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes."

That exports to, and imports from, the ports of Great Britain were, in conformity with the proclamation of the President of the 19th day of April, 1809, announcing that the British Orders in Council would be withdrawn on the 10th day of June ensuing, permitted from the said 10th day of June and until the 9th day of August ensuing.

That the President having, by his proclamation of the 9th day of August, 1809, announced that the British Orders in Council were not withdrawn on the 10th day of June preceding, and, consequently, that the trade renewable on the event of the said orders being withdrawn, was to be considered as under the operation of the several acts by which such trade was suspended, information thereof was immediately transmitted to the several collectors, by a circular, dated, also, "August 9th, 1809," a copy of which is herewith transmitted, and also of a postscript directed to the collectors on the Lakes.

That the collectors were informed, by that circular, (which has already been laid by the President before Congress, at the opening of the present session,) that the act above-mentioned was, in every respect, applicable to Great Britain and her dependencies; but, that the President had also directed a suspension of seizures and prosecutions in certain cases, arising from acts which would, in conformity with his proclamation of the 19th day of April preceding, have been considered as lawful; and that, in such cases, the vessels and cargoes might be admitted to entry.

That no other instructions but those contained in the said circular, have been given on that subject to the collectors; and that, if any collector has knowingly admitted to an entry goods the growth and manufacture of Great Britain or France, in any other case but those enumerated in the circular above-mentioned, such act is unknown to this department, and would be considered as a high breach of duty.

All which is respectfully submitted,

ALBERT GALLATIN.

The PRESIDENT of the United States.

CIRCULAR.

TREASURY DEPARTMENT,
August 9, 1809.

SIR: You will herewith receive the copy of a proclamation of the President of the United States, announcing that certain British Orders in Council were not withdrawn on the 10th day of June last, and, consequently, that the trade, renewable on the event of the said orders being withdrawn, is to be considered as under the operation of the several acts by which such trade was suspended.

The act "to amend and continue in force certain parts of the act, entitled 'An act to interdict the commercial intercourse between the United States and Great Britain and France and their dependencies, and for other purposes,' passed on the 28th day of June, is, therefore, in every re-

Naturalized Seamen Registered.

spect, applicable to Great Britain and her dependencies, as well as to France and her dependencies; anything in my circular of 20th June last, to the contrary, notwithstanding.

It results that, from the receipt of this, you must, in every instance, except as hereinafter expressed, refuse clearances for British ports, requiring, as usual, bonds from all vessels bound to permitted ports, in the manner provided by the third section of the act above-mentioned. But, as many British vessels have, or may, come into the ports of the United States, in consequence of the President's proclamation of the 19th day of April last, he directs that you will permit such British vessels to depart, without giving bond, either in ballast or with the cargo on board, when notified of the enclosed proclamation: it being, however, understood that this indulgence shall not be extended to any other vessels than such as are now in the ports of the United States, or such as may hereafter arrive, having sailed from a foreign port before information of the enclosed proclamation shall have been received at such port.

The President also directs, that, until a decision from Congress on that unexpected point shall have been obtained, or, until otherwise instructed, seizures or prosecutions for supposed contraventions of either the above-mentioned act, or of the non-intercourse act of 1st March last, arising from acts which would, in conformity with his proclamation of the 19th of April last, have been considered as lawful, shall be suspended in the following cases, viz:

1. All vessels which have entered a British port, since the 10th of June last, or which may hereafter enter such port, having sailed for the same before information of the enclosed proclamation had been received at the port of departure, so far as relates to any forfeiture or penalty which may accrue or have accrued by reason of their having thus entered a British port.

2. All vessels which have arrived, either from British ports or with British merchandise, in the United States, subsequent to the 10th of June last; and also all vessels which may hereafter thus arrive, having sailed for the United States before information of the enclosed proclamation shall have been received at the port of departure, so far as relates to any forfeiture or penalty accruing from having arrived or arriving in the United States from British ports, or with British merchandise.

3. All vessels, now owned by citizens of the United States, and sailing under the American flag, which, being in a foreign port at the time when the enclosed proclamation will be made known at such port, shall, with all due diligence, depart therefrom, and return without delay to the United States, so far as relates to any forfeiture or penalty accruing from their arriving in the United States from British ports or with British merchandise.

In the above-mentioned cases of vessels arriving in the United States, and which are, for the

present, exempted from seizure, the vessels and cargoes may be admitted to entry.

The time when the enclosed proclamation shall have been known at the ports of departure, respectively, must be ascertained by the best means in your power, and you may refer doubtful cases to this department.

Application may, of course, still be made, in all cases, for an absolute remission of the forfeiture and penalties, in the manner provided for by law; the instruction herein given to abstain from prosecutions and seizures in the abovementioned cases, being only intended to prevent the expenses and inconvenience to which the parties concerned would otherwise be exposed.

I am, very respectfully, &c.

ALBERT GALLATIN.

The COLLECTOR of —

Postscript to the Collectors on the Lakes.—You will observe that exportation to the British territories is not forbidden, by land, nor in any other manner than ships or vessels, as will appear by the third section of the act of 28th of June last, and according to the spirit of the instructions of the President, all merchandise which had left Montreal, or any other port in Canada, for the United States, before the enclosed proclamation was known at such port, is admissible to entry, and will not, for the present, be liable to seizure or subject the parties concerned to prosecution.

A. G.

NATURALIZED SEAMEN REGISTERED.

[Communicated to the House, March 10, 1810.]

DEPARTMENT OF STATE,
March 5, 1810.

SIR: I have had the honor to receive your letter of the 26th ultimo, requesting "a statement of the whole number of persons born in foreign countries, and legally admitted citizens of the United States, by naturalization, and who have been registered as American seamen, and returned as such to the Department of State, according to the list transmitted by the collectors of the customs, in pursuance of the law relative to the relief and protection of American seamen."

In reply to this letter, I beg leave to refer to the report made by the Secretary of State to the House of Representatives on the 2d of February, 1809, in which it will be seen, that the whole number of naturalized citizens then returned to this department, as registered seamen, was 449: and to add, that it appears from the returns for the year 1809, that 128 naturalized citizens were, during that year, registered as American seamen, and so returned to this department.

I have the honor to be, &c.

R. SMITH.

HON. THOMAS NEWTON.
Chairman, Committee of Commerce, &c.

Repairing Frigates, &c.—Navy Hospitals.

REPAIRING FRIGATES, &c.

[Communicated to the House, June 12, 1809.]

NAVY DEPARTMENT, *June 9, 1809.*

SIR: I have received your letter of yesterday's date, and, in reply, have the honor to state:

1st. That the cost of repairing each of the frigates now lying at the navy yard, Washington, cannot be estimated with any degree of precision, until each frigate shall have been thoroughly examined in her hull, masts, spars, rigging, sails, water casks, &c., and the precise state of each particular ascertained. I some time since directed such examination to be made, and reported to me, but this has as yet only partially been done; and being apprehensive that some days may elapse before I shall have it in my power to afford satisfactory information upon this subject, I have supposed that, in the meantime, it would be agreeable to the committee to receive information upon the other points of your letter, and therefore proceed to state:

2dly. That the difference between keeping each of the public armed vessels in service, for six months, from this time, and laying them up in ordinary immediately, circumstanced as they now are, their crews being generally in debt for advances of money and clothes made to them, and their supplies of provisions, and, in a great measure, all their other supplies being now actually on board, would be from three to four months' pay of their respective crews; that is—

For a 44-gun frigate, about	-	-	-	\$17,000
36 do do	-	-	-	15,000
32 do do	-	-	-	12,000
16-gun brig	-	-	-	7,000
14-gun schooner	-	-	-	5,000

In replying to your third query, requiring "a comparative statement of the building and the annual expense of maintaining a gun on board a frigate and a gunboat," it is necessary to suppose a particular case. I will take the frigate *President*, mounting fifty-six guns; forty-two pound carronades, and twenty-four pound long cannon.

This frigate cost two hundred and twenty thousand nine hundred and ten dollars and eight cents, say, two hundred and twenty-one thousand dollars. A gunboat, carrying two guns, will cost twelve thousand dollars. A gunboat, carrying one gun, will cost about nine thousand dollars. The frigate will require four hundred and twenty men to man her, and can be maintained, in actual service, at an annual expense less than one hundred and twenty thousand dollars, including the pay of officers and seamen, provisions, repairs, medicine, contingencies, and every other expense of every description. A gunboat, mounting one or two guns, will require forty-five men to man her, and cannot be maintained in actual service, at an annual expense less than eleven thousand seven hundred dollars, including every expense. It hence results that the building of nineteen gunboats, each carrying two guns, and carrying thirty-eight guns in the whole, would cost more than the building of a frigate mounting

fifty-six guns; that the number of men required for a frigate mounting fifty-six guns, would not be sufficient to man ten gunboats carrying, in the one case, twenty guns, in the other case, ten guns; that, to fight fifty-six guns, on board of twenty-eight gunboats, would require twelve hundred and sixty men; and to fight them, dispersed in fifty-six gunboats, would require two thousand five hundred and twenty men; and that two thousand five hundred and twenty men employed on board of frigates, mounting each fifty-six guns, and each requiring four hundred and twenty men, can fight three hundred and thirty-six guns, consisting of forty-two pound carronades, and twenty-four pound long cannon.

With respect to the expense per gun, it appears that fifty-six guns, mounted on board of a frigate, can be maintained at an annual expense of less than one hundred and twenty thousand dollars; that the annual expense per gun, on board of a gunboat carrying two guns, will be five thousand eight hundred and fifty; and on board of a gunboat carrying one gun, eleven thousand seven hundred per annum; that the difference between the annual expense of fighting fifty-six guns on board of a frigate, and twenty-eight gunboats, carrying fifty-six guns, is two hundred and seven thousand six hundred dollars; and that the difference in the annual expense of fighting fifty-six guns on board of a frigate, and fifty-six gunboats carrying each one gun, is five hundred and thirty-five thousand two hundred dollars.

The annual expense of keeping the gunboats (other than those now in service, and those yet on the stocks) in ordinary, would be about sixty-four thousand dollars.

As to the saving already made by laying up these boats in ordinary, it is impossible at this time precisely to ascertain it, as the department is not informed of the day on which each boat was laid up. I can only, at this time, form a conjecture as to the amount, which is supposed to be equal to one month's pay of the crews discharged; that is, about eighteen thousand dollars.

I am, with great respect, &c.

PAUL HAMILTON.

RICHARD CUTTS, Esq., *Chairman, &c.*

NAVY HOSPITALS.

[Communicated to the House, February 26, 1810.]

Mr. BASSETT, from the Committee on the Naval Establishment, made the following report:

That their attention had been called by the Secretary to navy hospitals. To his memoranda, herewith presented, they beg to refer. It remains for your committee to state their conviction of the propriety of the Secretary's suggestions, and to congratulate the House that the opportunity is offered to ameliorate greatly the situation of a meritorious portion of citizens, without recurring to the public treasury. Of all classes of society

Navy Hospitals.

seamen require most the paternal foresight of Government. Habit, which tyrannizes over man in every situation, makes the sailor ever regardless of to-morrow; like the infant, he requires a guardian, or old age brings with it miserable poverty. On this principle, our Government, as well as others, have, from seamen's wages, raised a fund for marine hospitals, with guardian care setting apart a portion of the earnings of health for a support in sickness and decrepitude. The object is to give this principle a more operative direction, and not to deviate from it in the slightest degree. The sailor alone shall be able to exult in the comfortable asylum prepared for his aged and enfeebled brother, whilst the farmer, himself pressed by the hard hand of poverty, may view with complacency the comfort of others, which cost not an additional stroke of his hoe or his axe. The committee recommend the following resolutions:

Resolved, That the twenty cents per month deducted by law, from the pay of the officers and seamen of the Navy, together with such sums as may be due or become due to deserters, shall be made a fund for building and supporting navy hospitals, to be expended under the direction of the Secretary of the Navy and others, as Commissioners of said fund.

Resolved, That all fines imposed on officers, seamen, and marines, shall accrue in aid of the hospital fund, and that one ration shall be allowed the hospital for every person admitted, to be deducted from their accounts on settlements, and when any one shall be received into the hospital, who shall be entitled to a pension, such pension shall be paid to the hospital during his continuance therein.

Resolved, That the unexpended balance in the hands of the Treasurer, of the twenty cents heretofore deducted from the pay of the officers and seamen of the Navy, shall accrue to the navy hospital fund.

NAVY DEPARTMENT, Feb. 22, 1810.

SIR: Availing myself of the latitude allowed me by the honorable committee of which you are the chairman, I submit for consideration the following observations and notes relative to pensions and hospitals:

1st. As it respects the pensions of seamen and marines.

By the eighth section of the act for the better government of the Navy, it is provided that the pensions shall in no case exceed one half the monthly pay.

The power of regulating the pay of seamen and marines is vested in the President of the United States; that of seamen has been granted according to circumstances, depending principally on the wages given in the merchant service. Hence, in the years 1798, 1799, 1800, and 1801, their pay was \$17 per month. In the years 1802, and 1803, it was \$14; afterwards \$10, and is now \$12 per month. The pay of the marine was

early fixed at \$6 per month, and has undergone no change.

Soldiers in the land service may receive a pension of \$5 per month.

Hence, it is obvious that, under present laws, great inequality exists with respect to pensions. The same descriptions may at one time receive \$8 50 per month, at another \$7, at another \$6, at another \$5 per month.

The most valuable seamen, however crippled in the public service, could not now receive a pension exceeding \$6 per month; and in the year 1800, or 1801, an inferior seaman, sustaining less disability, might have received \$8 50 per month. Cases of this kind, indeed, are now to be found upon the pension roll. It appears, too, that the pension provided for the marine is two-fifths less than that provided for the soldier in the land service. This distinction between the marine and the soldier is certainly not founded in any principle of justice. Its existence, it is presumed, has escaped the attention of Congress, otherwise it would not have been suffered so long to the prejudice of the marine.

A strong dissuasive to the continuance of this distinction arises out of the fact that the pension of the marine is paid out of a fund which his enterprise contributed to raise, whereas, to pay the pension of the soldier, Congress have to make annual appropriations of money out of the Treasury.

To remove the existing pernicious inequality in the pensions of seamen of the same class, and sustaining similar disabilities, and to place the marine on an equality in this respect with the soldier, the eighth section of the act of 23d of April, 1800, ought to be repealed, so far as respects the pensions of seamen and marines, and it ought to be declared by law that the pension of the able seaman, should not exceed — dollars per month; that of the ordinary seaman, or boy, — dollars; and that of a non-commissioned officer, musician, or private, in the marine corps, \$5 per month. Under such a law, the compensation for wounds sustained in the public service might be graduated by the measure of disability incurred; and as the law ought to provide for the highest disability that may be sustained, it is conceived that the blank for able seamen might be filled with \$10, and that for ordinary seamen and boys with \$6, without transcending the bounds of justice, or falling short of the dictates of humanity. Surely \$10 per month would not be an extravagant compensation to a poor crippled sailor, deprived of the use of his limbs in his country's service, and who, when not able to pursue his profession, is emphatically like a fish out of water, and is as utterly incapable of making any kind of provision for his support, as the disabled soldier, who had never seen salt water, would be on board of ship.

2dly. As it respects hospitals for the relief of sick and disabled seamen.

As a fund for the relief of sick and disabled seamen, the Secretary of the Navy is required to deduct from the pay of each officer, seaman, and

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marine, belonging to the Navy, twenty cents per month, and to pay the same quarter-annually into the Treasury, to be applied under the direction of the President of the United States. The amount thus deducted and paid into the Treasury is \$55,649 29, and there is a considerable sum deducted, but not yet paid into the Treasury; and yet no navy officer has, and but very few of the navy seamen have, received any benefit from it.

By law the like deduction of twenty cents per month is made from the pay of each seaman in the merchant service, and the whole fund thus raised is applicable indiscriminately to the relief of officers, seamen, and marines, of the Navy, and the seamen of the country generally. The inconveniences and embarrassments which arise from the placing of persons engaged under military law in the public service, in hospitals where no such law exists, have escaped the attention of Congress. In the few cases which have occurred of navy seamen being sent to such hospitals, experience has proved that the commanding officers of the ships from which they were sent, could never get returns made to them, and that, on an average, three out of five have deserted as soon as they got in a convalescent state. Hence the propriety of having *distinct establishments* for the relief of sick officers, seamen, and marines, of the Navy. Let the fund drawn from the seamen in the merchant service be appropriated for the relief of seamen in that service; and let the fund deducted from the pay of the officers, &c. of the Navy, be appropriated exclusively for them. If such a law existed, and the supplementary provisions hereafter suggested were authorized by law, there might be, in a very short time, six capacious hospitals established, in which all the sick of every description of the Navy might be comfortably nursed; all the wives of seamen killed in action might be supported; all the children supported and educated, and young men just entering the service as midshipmen might acquire the invaluable knowledge of the theory of navigation, lunar observations, and naval tactics, without costing the public a single cent. If doubts should be entertained as to the capacity of the means to accomplish these important and highly interesting objects, they may easily be removed by actual demonstration.

In addition to the twenty cents per month, let funds be raised from such of the following sources as may be thought most advisable, or, to complete the goodly work at once, let the whole of them be added to the fund.

1st. Let Congress declare, by law, that all the balances due to deserters from the service should be forfeited, and thus applied.

2d. That the balances due to seamen dying in the service, should be invested in funds, and the interest thus applied, until such balances should be called for by either the wives, children, or known legal representatives of the deceased.

3d. Let the disabled person entitled to a pension make his election between going into a hospital for life, or receiving the pension allowed him by law. If he preferred going into a hospi-

tal for life, which many would do, then his pension to be applied towards the support of the hospital

4th. Let the balance at this time, or the unapplied amount of the money raised by deducting twenty cents per month from the pay of the officers, &c. of the Navy, be thus applied.

5th. Let Congress add to the twenty cents which, by the act of 2d March, 1799, the Secretary of the Navy is required to deduct from the pay of the officers, seamen, and marines, of the Navy; instead of twenty cents, fifty might be deducted. This of itself would produce one hundred and fifty per cent. upon the amount now deducted. The officers, seamen, and marines would, it is confidently believed, cheerfully consent to a deduction of one dollar per month from their pay, if they knew that the amount was to be applied exclusively to their benefit.

6th. Let the rations of the seamen or marine, and one of the rations of each officer, while in the hospital, be deducted and thus applied.*

7th. Let all mulets of pay by sentence of courts martial, and all stoppages of grog for minor offences, be thus applied.

8th. Let ten or fifteen per cent. on slop clothing furnished the seamen, be thus applied. At this time, the sailor on board ship is furnished with slop clothing from twenty-five to thirty-three and a third per cent. less than he could get it at out of a slop shop, so that if ten per cent. on the present price were added, the seamen would still get the slop clothing from fifteen to twenty-three and a third per cent. less than he could buy it for out of a slop shop. Hence, he could not reasonably complain at the making of the proposed addition to the price, especially when he would reflect that the amount thus to be produced was intended exclusively for his benefit and that of his brother seamen.

In addition to these provisions, it will be recollected that many of the officers necessary for the hospitals might be selected from among those disabled in the service, who would gladly serve without any addition to their pensions, excepting merely their board, the cost of which, to the establishment, would be very inconsiderable. There are now on the roll of pensioners, one captain of the Navy, one lieutenant, one surgeon, one sur-

*The ration would of itself be sufficient to defray the expenses of every description of provisions, wines, liquors, &c. required for the sick in hospitals, under proper regulations. The experiment has been fairly tried in a small hospital at New York, under the care of Doctor Samuel R. Marshall, a surgeon in the Navy of the United States. The following is the result of that experiment:

For three months, one ration per day for each man sick in the hospital, at twenty cents, amounted to	\$628 20
The expense of every description of provisions, &c. including pot herbs, soap, and candles, was	301 57½

Leaving a balance in favor of hospital, of \$326 62½

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geon's mate, and a number of boatswains, gunners, sailmakers, sergeants of marines, cooks, &c.

Further, it is presumed that in or near the navy yards would be the most suitable places for the erection of hospitals. In that case, the commandants of the yards might be governors ex-officio of the hospitals, without any additional pay whatever. With them the Secretary of the Navy would hold his correspondence upon all subjects in relation to the hospitals.

The wives of seamen, killed in the service, would make nurses and attendants on the sick; do all the necessary sewing, washing, &c., and their children might, with the pensioners and convalescents, work the gardens.

The persons having the immediate charge of the hospitals ought to be acquainted with navigation, &c. and have the qualifications of teachers; so that the children of seamen, killed in the service, might, when not at work in the gardens, be taught reading, writing, and ciphering; and young men, just entering the service as midshipmen, might be sent to the hospitals to be taught navigation, &c.

If deemed expedient, eight or ten dollars per month might be deducted from the pay of midshipmen, while studying navigation in the hospitals, and the amount might be applied towards paying the teacher, or if more than sufficient for that, towards defraying the general expenses of the hospitals. This, indeed, would be learning them this valuable knowledge, at less expense than they could possibly acquire it in any other way. To me it appears very clear, that the effects of such institutions, under proper regulations, would be happy indeed. The wretched sailor, covered with wounds received in the service of his country, might be saved the debasing employment of beggary; the woman widowed, the child orphaned, in the gallant achievements of the husband and father, might be rescued from wretchedness, probably disgrace. A body of men devoted from gratitude to the service of their country would here be raised up; the benefits or education would be extended; a competition to be admitted into the public service would be excited; and the brave would be encouraged and stimulated, without costing the public one additional cent. Respectfully submitted by

PAUL HAMILTON.

Hon. BURWELL BASSETT,
Chairman Naval Committee.

QUARTERMASTER'S DEPARTMENT.

[Communicated to the Senate, March 12, 1810.]

WAR DEPARTMENT, Jan. 1. 1810.

SIR: The inconveniences and embarrassments to the service, together with the neglect and loss of property, arising from the irregular and unprecedented manner in which the Quartermaster's Department is conducted, render it my duty to suggest the propriety of some further legal provision on the subject. The defects of the

present system originate in the laws. By the law fixing the Military Peace Establishment, provision is made for the appointment of three military agents, and as many assistant military agents, not exceeding one to each military post, as the President shall deem expedient. The law authorizing an additional military force, provides for two brigade and eight regimental quartermasters. The military agents and assistant military agents are appointed by the President. The brigade quartermasters by the brigadiers, and the regimental quartermasters by the colonels of regiments.

The result of this organization is, that the assistant military agents, who ought to account for, and make returns to, the military agents, of all property delivered to them, are not held by a proper responsibility, the military agents having no power or influence in their appointment, nor authority to call them to account for mal-practices or neglect of duty. The brigade and regimental quartermasters are as little under their control.

It will also be perceived that no provision is made for the appointment of an officer whose duty it should be to have charge of, and be responsible for the property appertaining to that department, to regulate and superintend the distribution of all supplies, and to whom all subordinate officers should be accountable.

In want of such an officer, the Secretary of War has been obliged to perform the duties of Quartermaster General. Under the Military Peace Establishment, those duties were laborious. Since raising the additional military force, they have necessarily increased, until it is suggested by experience that, if they were compatible with other duties required of him, the Secretary of War cannot continue to discharge them, either satisfactorily to himself, or with justice to the public.

It is therefore respectfully suggested, that the President be authorized by law to appoint a Quartermaster General, with rank in the Army not exceeding the rank of —, with pay and emoluments not exceeding those of —.

An assistant quartermaster general, to be taken from the line of captains, whose compensation shall not exceed one half his monthly pay and emoluments.

As many deputy quartermasters general, not exceeding four, as the service may require.

If taken from the line, their compensation not to exceed one half their monthly pay and emoluments; if not of the line, not to exceed the present compensation of the military agents.

As many assistant deputy quartermasters, not exceeding one to each military post, as the service may require, to be taken from the line, and allowed eight dollars per month, (as provided by law for the present assistant military agents.)

Under this arrangement the deputy quartermasters general would perform the duties at present performed by the military agents: the assistant deputy quartermasters, those performed by the assistant military agents. Their compensa-

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tion being the same, the additional expense to be incurred will consist principally in the pay and emoluments of the Quartermaster General, with the incidental expenses of his office, and in one additional deputy quartermaster general, if the service should require his appointment.

In time of peace, the proposed system being less complicated, and possessing a more regular and rigid accountability, would be far less expensive in its consequences: at the same time that it would instruct the officers in a branch of service acknowledged by military men to be of the first importance.

To meet a state of war without such an establishment, which has been justly denominated the right hand of an army, would be to disregard the practice and experience of our own and every other nation, and expose to hazard and defeat every military operation.

With respectful consideration, your obedient servant,

W. EUSTIS.

Hon W. B. GILES, *Chairman.*

COMMITTEE CHAMBER, Jan. 13, 1810.

SIR: In obedience to the instructions of the committee of the Senate, to whom was referred the Message of the President of the United States of the 3d instant, I now have the honor of requesting you to submit a plan to the committee for establishing a general staff, or quartermaster's department, for the Army of the United States. I am also instructed to intimate to you, sir, that it would be agreeable to the committee to have the plan as much in detail as your convenience will permit.

I have it also in charge from the committee, to ask of you a statement of military munitions, which may be required by the present exigencies of the country; together with an estimate of the sum of money which may be necessary for providing the same.

Be pleased, sir, to accept assurances of my high consideration, &c.

WM. B. GILES, *Chairman.*

Hon. WILLIAM EUSTIS, *Sec'y of War.*

WASHINGTON, Jan. 15, 1810.

SIR: Your favor of the 1st instant, respecting the establishment of the quartermaster's department for the Army of the United States, addressed to me, as chairman of the committee of the Senate, &c., was not put into my hands until late last evening.

It is probable, if it had been sooner received, a part of my letter of the 13th instant, addressed to you in relation to that subject, might have been deemed unnecessary by the committee.

Be pleased, sir, to accept, my respectful compliments, &c.

WM. B. GILES.

The Hon. WILLIAM EUSTIS.

WAR DEPARTMENT, Jan. 15, 1810.

SIR: I take the liberty of submitting for perusal and consideration, the enclosed extracts from

the letters of Mr. William Linnard, (a faithful and indefatigable military agent,) which letters were accompanied with the names of several assistant military agents to whom he had made disbursements, and from whom he had not been able to procure satisfactory statements and settlements.

They are among the evidences daily occurring which evince the necessity of a reformation in the quartermaster's department.

With respectful consideration, your obedient servant,

W. EUSTIS.

Hon. W. B. GILES, *Chairman, &c.*

Extract of a letter, from William Linnard, Military Agent, dated

PHILADELPHIA, Sept. 15th, 1809.

"With respect to instructing the assistant agents to forward requisitions and other evidence, to show on what authority expenditures have been made, I beg leave to observe, that, whenever I have had occasion to write to a newly appointed agent, I have never failed to inform him such documents were indispensably necessary to accompany their vouchers; and although I have been very particular in those instructions, little or no regard has been paid to them; and, in fact, in some instances, where the commanding officer was assistant agent, they have ridiculed the idea as extremely absurd to make requisitions on themselves. I do believe it to be impracticable to obtain those documents in every instance, unless the assistant agents were more stationary, and the principals clothed with more authority than they possess. I shall, however, not lose sight of the object, but continue to use my endeavors to obtain them; and, if I fail, it ought not to add to my duties, already too much multiplied."

Extract of a letter, from William Linnard, Military Agent, dated

PHILADELPHIA, Dec. 7th, 1809.

"On receipt of your instructions relative to the accounts, I wrote circular letters to all the assistant agents, and in order to enforce your injunctions, and that I might not be misunderstood, I enclosed copies of your instructions to me. To press the necessity of a particular attention to the vouchers, I introduced the following quotation from your letter: 'That, in all their disbursements, the authority of the commanding officer should accompany the voucher, particularly stating the object of the expenditure.' Some of the assistant agents and officers have strangely construed those expressions to require the authority the commanding officer had to make the requisition; and instead of writing to me for an explanation, they have delayed their accounts until the commanding officer could write to the Secretary of War for his authority, or an explanation."

The Quartermaster's Department.

WASHINGTON CITY, Nov. 29th, 1809.

SIR: On the eve of leaving the Army, (unless a prospect of active service should forbid it,) permit me to address you on the important necessity of the quartermaster's department being restored, if it was only on the ground of economy: for, to that department belongs the care of all stores belonging to the Army. By the derangement of that department, were strict inquiry made, it would be found that more than one hundred thousand dollars have been lost, in the course of a few years, by the abolition of the quartermaster's department, and the introduction of a system of military agency. Instances may be found of characters being employed as agents, perfectly ignorant of military affairs, and the great duties imposed on them, and at times unsupplied with the means necessary of performance.

The Quartermaster General of an army is an officer of great importance, and should be of high rank, active, persevering, and experienced, perfectly acquainted with the geographical situation and advantages of the country in which an army is to act, so as always to draw his supplies at the least possible injury and expense. He is primarily charged with all the articles belonging to his department; on him requisitions are to be made by the division quartermasters for such stores as may be required for their divisions; which stores are to be issued on the returns of the brigade quartermasters, and so to the regimental quartermasters, who are to make and deliver returns of all stores on hands and delivered once in three months, to the brigade quartermasters, who will consolidate and transmit them to the division quartermasters, who, in like manner, are to consolidate and transmit them to the quartermaster general, who will transmit them to the Secretary of War. Pursuing this principle it can always be ascertained in what division, brigade or regiment, there may be delinquency.

You will please excuse the liberty I have taken in addressing you on a subject of great importance to the Army, either on a peace or war establishment. The importance of this subject will perhaps be more fully impressed by an application to military gentlemen who have experienced the inadequacy of the present system to the general welfare of our country.

Accept the assurances of my perfect esteem.

A. PARKER, *Col. 5th Infantry.*

WAR DEPARTMENT, Jan. 20, 1810.

SIR: In answer to your letter of the 13th instant, requesting "a statement of military munitions which may be required by the present exigencies of the country, with an estimate of the sums which may be necessary for providing the same," I must ask the indulgence of the honorable committee in stating to them, that, as the sums already appropriated by law, for completing the fortifications for the defence of the ports and harbors, which had been commenced or projected, were deemed sufficient for the object, no

further appropriation on account of fortifications was proposed in the estimate of the present year. But, in case of war, additional works will be required. Their situation, nature, and extent, depending on the emergencies which may require them, cannot be ascertained. In many instances, they will probably be of a temporary nature, and constructed principally by the troops.

The island of Rhode Island, from the peculiarity of its local situation, bordering on the ocean, accessible at all seasons of the year, affording a safe and commodious harbor, fertile in itself, commanding other islands, well stocked with provisions, and as a central station from which to harass the trade of the continent, offers to an enemy advantages not combined in any other port, and requires additional means of defence.

To meet the expenditure required at this and other places, it is therefore respectfully suggested that the sum of one hundred and fifty thousand dollars be appropriated on account of fortifications.

For supplying the several works with additional cannon, ammunition, and implements; for mounting on travelling carriages, with proper equipments, a train of heavy ordnance, for the defence of such points or places as are not protected by batteries; to mount and equip a train of field artillery; to provide arsenals for the deposit of small arms and artillery, with laboratories for preparing ammunition; and for procuring additional supplies of sulphur and saltpetre and other articles in the ordnance department, the sum of five hundred thousand dollars will be required.

The purchase of knapsacks, cartridge boxes, belts, and other equipments for infantry and cavalry, of tents and other articles in the quartermaster's department, with suitable store-houses for their preservation, may be estimated at four hundred and fifty thousand dollars.

The munitions embraced in the foregoing estimates are considered as preparatory, requiring time to provide them, and admitting of such extension and additions as exigencies may require.

For future supplies of cannon, with their implements, of small arms and accoutrements, and of clothing, if suitable encouragement was given, great reliance may be placed on the public and private armories, and on the foundries and manufactories already in operation, the crude materials being the growth and produce of our own country.

Should the public exigencies render it necessary to call into actual service an additional military force, provision should be made in season for furnishing each non-commissioned officer and private with clothing for one year.

I have the honor to be, &c. W. EUSTIS.

The Hon. W. B. GILES, *Chairman.*

WAR DEPARTMENT, Feb. 4, 1810.

SIR: The precarious state of foreign commerce, together with other considerations equally important, renders it extremely desirable that pro-

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vision should be made for clothing the Army of the United States from our own manufactures.

On the contracts for provisions made annually by this Department, and on other contracts requiring a large capital, it has been customary to make advances of money in order to enable the contractors to fulfil their engagements.

An extension of this practice to supplies of clothing would enable the purveyor to publish proposals and make his contracts in the same manner as the provision contracts are made. From the encouragement which would thus be given to the several manufactories, a spirit of competition would be excited, improvements would be made in the works and in the several fabrics, and there can be no doubt that ample supplies would be offered, on terms equally advantageous with those attending imported cloths, while the necessity of having recourse to importations in future would be finally removed.

In order to insure success to this desirable object, it will be necessary that the appropriation for clothing should be made in the year preceding that in which the clothing is to be delivered.

I have thought the subject of sufficient importance to be communicated to the honorable committee of which you are chairman,

And am, with respectful consideration, &c.

W. EUSTIS.

Hon. W. B. GILES, *Chairman*.

THE MILITIA.

[Communicated to the House, March 29, 1810.]

Mr. CLAY, from the committee to whom was referred so much of the Message of the President as relates to the organization of the militia of the United States, reported "That the committee, in considering the several subjects to them referred, are of opinion, that it would be improper, at this time, to innovate on the present system of organization of the militia of the United States."

WASHINGTON, *December 18, 1809.*

SIR: The organization of the militia of the United States has long been deemed a subject of primary importance by those who have been conversant with public affairs. Various systems have been proposed and rejected, and, indeed, it is not an easy matter to make any regulation which shall be adapted to the laws and the habits of the different States. Being a member of the committee to whom was referred that part of the President's Message which relates to the organization of the militia of the United States, I take the liberty to inquire of you, what are the prominent defects of the present system. The act of Congress under which the militia are formed, was passed on the 8th of May, 1792, and must be perfectly familiar to you. By conversing with gentlemen from different parts of the United States, I find that all the Governors have not given that law the same construction: for instance, in the formation of corps of horse artil-

lery, light infantry, and grenadiers, in some States, the Executive authority has supposed that the act of Congress aforesaid authorized the formation only of troops and companies; while in other States, regiments and even brigades are formed, and the officers have been duly commissioned.

A question hence arises, whether the orders of such general and field officers would be obeyed by officers from those States where no such system had obtained, if they should be called into service together. What has been the practice in this respect in your State? How are your dragoon and artillery corps formed; whether into troops and companies only, or into regiments and brigades, and if into the latter, under the sanction of what law?

Would it not be advisable, for the sake of uniformity, either to authorize by law the formation of regiments, especially of dragoons, or else to reduce the regiments now formed and attach one troop to each regiment or brigade of infantry?

In some States it has become a practice to obtain commissions, and resign them immediately, only for the sake of being exempt from militia duty. What inconvenience would result from limiting the shortest period of service to a commissioned officer, (extraordinary cases excepted) and if he should resign before the expiration of that period, to be liable to be called into the ranks? This is now the case in some States.

What are the objections to embodying a corps, to be composed of all such able-bodied men as have reached the age of forty-five, and under sixty, and who are exempt from military duty, only by age, under the present law, to be called the alarm list, and never liable to march out of the State, nor to perform military duty or parade; but to be obliged once a year to appear on parade armed, and, in case of invasion, or insurrection, to march with the militia?

It has been a favorite theme with the Southern members, to class the militia so as that the burden of active duty, if needed, should fall on that portion of our citizens who are between twenty-one and twenty-five years of age. The Northern members have pretty uniformly opposed such an innovation upon our system. What objections to such a measure have occurred to your mind?

Would it be advisable for the General Government to attempt to arm the militia? and if so, in what mode? whether by giving them arms, or to apportion them to the States, to be preserved in magazines against time of need?

Is there anything, in the present mode of discipline, which needs the interference of the General Government? Would it be advisable to call out any portion of the militia yearly, to take the field? and if so, on what principles should such a system be adopted?

These, sir, are some of the prominent points on which, perhaps, some amendments may be made to our present militia system. Other improvements may undoubtedly have occurred to your mind. Any reflections which you may

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please to bestow upon this subject, and any amendment which you may propose to our present system, if communicated to me, shall be submitted to the committee who now have this subject under consideration.

This letter will be enclosed to Governor Treadwell, that he may make any remarks, or communicate such instructions to you, as he may deem necessary.

I am, sir, very respectfully, &c.

BENJ. TALLMADGE.

General E. HUNTINGTON.

NORWICH, 5th January, 1810.

DEAR SIR: In answering your letter of the 18th ultimo, which came to hand on the 29th, I find a task which, on opening and reading, I did not anticipate; but if, in the course of it, I shall give you one new idea worth preserving, I shall be more than satisfied.

The subject-matter has frequently presented itself to my mind as attended with serious difficulty, as well as of great national importance; but, owing to the diversity of habits which are to be included, and probably in many respects, subdued, by a militia system pervading the United States, (without any knowledge of the respective State systems to which the men have been accustomed,) I feel myself inadequate to form a plan which would be acceptable. Indeed I frankly own I have never seen any system proposed, in which I had confidence, nor do I believe any system, commensurate to the object, will ever be adopted by the Government, or, if adopted, be submitted to by the sovereign people. A man possessing so little confidence in militia to oppose regular troops, except for the moment, and on the spur of the occasion, and who absolutely knows, so fully as I do, the enormous waste and expense attending their every movement, is not capable of affording much aid in the completion of a militia system. Too much has already been done with the militia, if they are not to be a substitute for standing troops, and too little will always be done if they are made a substitute. The song which has been incessantly sung, ever since the Constitution was adopted, that the militia are the sure bulwark of our nation, the safe guardians of our liberties, is now in the mouth of every one, and he who doubts the truth of it is deemed a political infidel; yet, with all the odium attached, I acknowledge myself no convert to such a doctrine. Let the Government proceed to regulate the militia to the utmost length their masters, the sovereign people, will bear—it will be just so far as to make them food for powder in the day of battle; and death, or what is worse, loss of honor, must be expected by every officer of spirit connected with them. General Knox's system (a copy of which he was pleased to send me) is the only system which I have seen, that can be considered as possessing any efficiency.

That system was rejected by the Government as being too expensive; it was approaching the mark, but, in my opinion, short, and not altogether

correct in detail. Less energy than what that system contained is a downright fraud on the public mind. You observe that all the Governors have not given the act of Congress of 1792 the same construction in the formation of cavalry, &c. I reply that the act of 1792 was laid before the Legislature of this State, and a law passed to carry the same into effect, but some things to be effected, which the Legislature could not conveniently do, were submitted to his Excellency Governor Huntington, the then chief magistrate, to execute: among those referred, was the arrangement of the cavalry, which then consisted, if I recollect, of twenty-nine companies or troops, unequally divided into five or six regiments, one regiment containing seven companies. His Excellency the Governor, knowing that some of the troops had been raised under the immediate patronage of particular officers, and whose limits were not recorded in the office of the Secretary of State, though the officers had been commissioned, and the companies recognised by the Government, deemed it expedient to call to his counsel the general officers throughout the State; and when met, it was discovered that an uniformity of opinion did not prevail respecting retaining the cavalry in regiments. A majority of the gentlemen, however, considering the privileges which had been granted in raising the companies of cavalry, with the customs and usage of being regimented, brought the corps within the letter and spirit of the 3d section, and of the last clause of the 10th section of the law of 1792, and recommended that the cavalry should be formed into eight regiments, one of which to be attached to each brigade, and that his Excellency the Governor be requested to grant permission to raise three more companies to complete the eight regiments to four troops each. (The above detailed account I believe correct; I give it from recollection, and it is possible that, in some respects, my recollection may not have served me.) His Excellency, in conformity to such advice, did alter and new form the limits of the regiments of cavalry, did raise three more companies, and completed the eight regiments, and assigned them to the respective brigades of infantry. I cannot conceive that any collision can possibly arise respecting rank in any one State, among the cavalry officers; for the commissions issuing from the same source are of equal validity in the eyes of the officers; but it is possible, if the before mentioned exposition of the law is not correct, that collisions may arise when portions of militia from different States are called into the field together. The power of forming artillery companies is, by law, placed under the direction of the Captain General of this State; such companies as were in existence at the time of passing the act of 1792, with such as have been since raised, have been attached to the regiments of infantry from whence they enlisted.

Whether it is advisable to have the cavalry in regiments, or only in companies attached to infantry regiments, or what relative proportion is best, I cannot determine. The number of cav-

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alry which might be employed to advantage in the Southern or Middle States, would, in a great degree, be useless in the New England States. For a sudden irruption into an enemy's country, or in a retreat, cavalry have a decided superiority over infantry, and if you could have them disciplined and instructed in the duties of an artillery, they would become highly useful to operate with the artillery; but, under any general law for the government of the militia, I cannot persuade myself that they could be useful but in small numbers to clear a tract of country before an invading foe.

In an army where you can provide magazines, you can have large bodies of cavalry, but, in case of invasion, infantry, principally, are more to be relied on than large bodies of cavalry—they cannot be supported. I think the officers, commanding in the higher grades in the cavalry, require experience, and that experience which can be obtained only by serving with cavalry. Although you may frequently find an officer in the infantry, who would command a body of cavalry with honor to himself, still I believe that you must have your field officers used to, and familiar with, the cavalry discipline, which is not expected from an infantry officer. In this place, I would suggest, that the enormous expense of cavalry ought to have its influence to lessen its number. I am decidedly of opinion, that one company of cavalry to a brigade of infantry is a large proportion. If the number of cavalry were diminished to one company to a brigade of infantry, you might, with propriety, expect your men better mounted and equipped and, in fact, be more efficient than a larger number. You might require the men to be of a certain size, of a certain age, and hold themselves owners of the horses, which horses should be inspected, accepted, and registered, and not borrowed, on a muster day, as, at present, is very common. The men might be enlisted under an express condition that they should always hold themselves liable to march, completely equipped and mounted, on the earliest notice. You well know that a great proportion of the horses used at present in our cavalry corps are totally unfit for field service.

You mention that, in some States, it is not unfrequent to accept commissions, and then resign, merely accepting the appointment to avoid service. The observation applies to every State, I presume, in a greater or less degree, and must always be expected, where the profession of arms is so little encouraged as in the United States, and where the honor of serving his country is held in so cheap estimation.

The length of time which an officer ought to serve, to entitle him to an honorable discharge, is difficult to ascertain; but I think if an officer was obliged to do duty in the ranks, who should not serve four years in the commission or grade from which he wished a discharge, it would be the means of bringing forward a class of men, better calculated to do the public justice, than permitting so easy an evasion of military duty; perhaps, if above — years of age, and under

— years of age, he might have his election, whether to pay an annual sum to the regimental purse, rather than be subjected to do duty in the ranks, would be desirable. Ought not the act of Congress to define exemptions from military duty, and the States be permitted to add none to that number, except the persons exempted be liable to an annual composition in money, to be paid into the military chest, for supplying the regiment with blank cartridges, colors, drums, fifes, &c., and for any use to which an expense now arises to the regiment.

The experience which this State had of alarm list companies, as they were called, during the Revolutionary war, which were composed of those exempt from military duty in the common militia companies, and, I think, under seventy years of age, has induced me to reject the idea of such men being embodied as soldiers; they may be useful as men, with their families, and some few of them may be employed about an army, but as soldiers they are not worth their rations. The sparsely settled state of our country, even in Connecticut, throws obstacles in the way of classing the militia, which have much weight in my mind; a great part of this State spreads the limits of a military company over an extended district of nearly nine miles in circumference, to obtain sixty-four, liable by law to do military duty, and many of the companies embrace a district of double that extent; which company, if brought into classes, would live so remote from a common centre, that the duties on ordinary trainings would be an unreasonable tax on the men, as a large proportion of those liable to do duty are of that class who neither own horses, nor are able to hire on such occasions. To avoid that inconvenience you must have small companies, and the whole worth of the company would be inadequate to furnish officers and non-commissioned officers. If ever classing of the militia should be thought essential, or a substitute must be found, I should prefer that every battalion should be obliged to have its flank company kept full, and that the flank companies, the artillery companies, and the cavalry, should have some incitements from the public Treasury, to be in complete readiness on any and every emergency, and should be called for in the first instance, and without any previous notice, leaving to the Adjutants General to detail from the militia such a number of field and staff officers as to completely officer them, which detailed field and staff should be considered under requisitions for a certain length of time, and if not called into the field in twelve months, then other officers to be detailed for the same duty and relieve them; and, if called into the field, to be relieved, on returning, after the tour of duty was performed. Such a corps, as abovementioned, would be more efficient than double their numbers, detached in the usual manner; it would take from this State about six thousand men, officers included, which is nearly our proportion of two hundred thousand men from the United States, making the last detail by the Secretary of War our guide. In respect to arming the militia by the General Government, I

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cannot believe it expedient in any point of view. If the public should be willing to place their arms in the hands of the soldiery, they would, under every care which would be taken, be nearly rendered useless in a very short period. If they should be placed under the care of the officers, they would soon be destroyed with rust, without a regular armorer to take care of them; if they should be put into the hands of the men on their responsibility, they would be sold by them in many instances, and loaned, and used for gunning in others. and, I have no doubt might be considered a total loss in five years; besides, if the public were to furnish arms for the militia, the arms now in our country, and many of them very fine pieces, would be totally neglected, which are now kept in some kind of order by the owners, while they are impressed with the necessity of taking care of their property, and that, possibly, they may be called to take the field, and hazard their lives on the goodness of their arms. I should consider a magazine in each State, supplied with field pieces, arms, and ammunition, and all the equipments necessary for a thousand men, and under the care of a suitable man paid for the purpose, more to be relied on than a supply for three thousand, dealt out to the men, or placed under the care of militia officers, at the close of every training day. If our liberties are worth preserving, and we will not pay enlisted troops to preserve them, we must be willing to pay a little out of the common stock, to support a system which is relied on as a substitute. I have no confidence in the mode of detaching the militia, as heretofore practised by our Government; I presume it has been calculated for its effect abroad, but you may rest assured its effects have been confined to ourselves—we have been imposed on—we have relied on the militia; without this detachment we should have considered ourselves neglected, but I firmly believe our country has obtained, by the different detachments, nothing but the expense. You cannot find an European officer, and but few American officers, who hold the militia in much estimation; they do not respect them, only as they hold an enemy in bay for a moment, until other troops may be called in.

It is our parsimony which makes us too highly estimate militia; if the militia were more expensive than enlisted troops, there is not an American but would reprobate the idea. Having remarked on each of the points mentioned in your letter, I shall take the liberty to remark on the act of 1793, the consideration of which gave rise to your letter.

The first section, which respects enrolling the inhabitants, I wish to see altered in such a manner as to embrace all above the age of sixteen and under forty years of age. The experience I had, in the year 1777, of the exertions of our light infantry company, which was composed generally of lads under eighteen, and some under sixteen, satisfied me fully that, for nearly all and every service, the lads at sixteen were as much to be relied on as those above that age. On the approach of action they were always in spirits,

calculating on the honor they should acquire. I had rather risk my reputation on the exertions by the class of young men, from sixteen to twenty, than on all those above that age. The young court danger from motives of honor and love of country combined; the elder class, on the approach of danger, are ruminating on their wives and children; the bodily strength of those of sixteen is equal to all the duties ordinarily required to be performed by militia; they will be more ambitious in their acquiring the use of arms, and laying the foundation for promotion, which those with families, and more advanced in life, hold in much less estimation. In our Northern States, our military days of parade are generally considered holidays, and the class of citizens from sixteen to eighteen are always found about the parade, and their amusements as laborious as the duties of a soldier, and frequently more injurious to their health and morals. By embodying all able bodied, from sixteen to eighteen, will, in this State, I presume, add one-fifth, if not one-third, to the number of militia.

I think the notice of six months to be equipped ought to be given before the person arrives at the age of sixteen, so as to be obliged to do duty at that time; and I humbly conceive, that if the law required no notice to be given by the officer enrolling, it would not be a hardship; for it is universally known by the boys among us when they are to be enrolled for duty. I am not very tenacious of that part of the law which requires the men to furnish themselves and carry their ammunition to the field; if, on an emergency, they could receive ammunition from some common stock, more reliance could be placed on their being properly furnished than in the present mode. I think no exemptions ought to be made from militia duty, but by act of Congress, and that such list of exemptions ought not to embrace so large a class of citizens as at present. By so many exemptions, the militia duty is rendered less popular, and the exemptions are frequently those very characters who would make the best officers. Every man whose public duty will permit him to do military duty, and is under forty years of age, I could wish to see become a citizen soldier, while the defence of our country is entrusted to the militia. If you will consent to embody those citizens from sixteen to eighteen, I firmly believe you may enlarge your companies to one hundred, without extending their limits, and I can see no inconvenience resulting from such an enlargement; it will excite more emulation among the officers. I think brigade majors should uniformly be taken from the line of captains, and should have no additional rank thereby; all other staff officers, for the brigades or regiments, should be taken from the commissioned officers; indeed, I would allow no staff officer, except aides-de-camp and the adjutant and quartermaster general, and their staff and hospital officers, to be taken from those not liable to military duty, and I would restrain the appointment of surgeons and surgeons' mates to regular bred licensed physicians and surgeons, and to

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those above — years of age. It is highly exceptionable, in my view, to have such appointments made from favoritism; I have known some appointments to those important offices, made from boys under eighteen years of age, whom I would not have entrusted to open a vein or extract a tooth. It is worse than murder to employ and depend on such creatures to attend the sick and wounded defenders of their country, when called to the field.

Instead of the uniform, in any instance, to be regulated by the brigadiers, as in the third section, I would have it established by Congress, that, when the militia of the different States are called to perform service together, they may be in uniform.

If the uniform should be established by Congress, to take place at a short future period, I have no doubt the troops would be completely clad in the course of two years, if not in one; and, having one fixed uniform, would be attended with economy. The State and regimental colors, mentioned in the fifth section, I would have provided from the funds of the regiment, into which, as a fund, I would have paid all fines collected for absence on days of muster or review, and the sums paid for exemptions from militia duty before suggested, and all other fines; and I think, whenever a regiment is under arms, the colonel, or commanding officer, should possess power to inflict fines on those who absent themselves, after the muster has commenced, or for improper conduct, to the amount of — dollars. Confinement on such a day is not a pleasant mode to be adopted, with some of those liable to do duty, whose feelings are not alive to such punishment, but would feel the effects of a fine. It should be left optional with the commandant to fine, confine, or both. To the duties of an adjutant general in each State, I would annex the duties of inspector general, and make it his duty personally to inspect the troops, (taking to his aid, while inspecting each brigade, the brigade majors of such brigades respectively.) He ought to examine every article required by law to be part of the equipment, the ability of the horses belonging to the cavalry, and occasionally to exercise the troops, if he deems it expedient and necessary. To this officer, from whom I would require so much duty, I would have annexed a compensation sufficient to call into such service suitable persons to perform the duty. I do not hazard anything, in my opinion, when I say that more can and will be effected by such an officer to make your militia efficient, and be constantly in readiness for service, than from any other cause whatever. No provision is made by the law of 1792 for furnishing field artillery; I ask you whether it is the duty of the State to furnish pieces for their militia when called out of the State? and whose duty it is to furnish horses to drag the artillery, when detached, and to find ammunition, &c.; and whether the respective States would permit their brass pieces to be removed out of the State without, or with, a provision for payment in case of losses? This sub-

ject may be worth consideration, and, if the pieces are damaged, whose duty is it to repair them? I think that, whenever a fine is placed on a man by a military tribunal having cognizance of the crime, it should not be within another tribunal to re-examine and review—many of our officers neglect laying fines, more through fear of a lawsuit than from a willingness to neglect their duty. I would have all fines laid by the company officers reported to the field officers, who should compose a court, to review and judge of the propriety of collection, or remitting, and their judgment should not be reviewed or reversed by any civil court. If a man, by his age, is liable to be enrolled in the first instance, (until he arrives at the age of exemption,) he shall have no other tribunal before whom he may bring his claim, but the board of field officers. If Congress should leave to the respective States to make exemptions, they ought to provide that the person who had been dismissed, or exempted from militia duty in his native State, or place of residence, for services which he had performed as an officer in the line or staff, should not be liable to be enrolled in another State, to which he may remove, provided he produces evidence of his former service and exemptions. A person who may have served as a staff officer in Connecticut, is, by the law of New York, liable to do duty in the ranks, if he moves into that State, which ought not to be the case. Courtesy dictates otherwise.

The manner of appointing officers to take command of the militia in this State, and, perhaps, in many other States, is a subject which I doubt whether the United States would think expedient to meddle with. It is one of those points respecting which advocates may be found for and against regulating the same; but, if it should be thought within the Constitution, and expedient to meddle with the subject, a question will arise, whether the appointment of commissioned and non-commissioned officers to companies may not be placed in better hands than in the hands of the soldiers? But, as it is doubtful in my mind exactly where the Constitution intended to limit the arrangement of the militia, by the word *organize*, and as taking the appointment of the officers and non-commissioned officers from the soldiers, is rather aristocratic and anti-republican, I will not extend my remarks on that subject. Permit me to suggest that the bestowment of rank by brevet to persons not in the line, was a source of inconvenience in the Revolutionary war, and requires great caution and care. Having so largely remarked on the subject of the militia as I have done, you will permit me to observe, that I have not prepared the same for criticism; I have suggested my ideas with freedom to you as a friend, and in compliance with your request; I hope they will not be exposed to much inspection but by my friend. The gentlemen who compose the military committee are unknown to me, but presume they are strangers, and will not highly appreciate my remarks; but to you I submit them. I am, with much esteem, &c.

EBEN. HUNTINGTON.

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TRENTON, December 9, 1809.

SIR: I do not presume I can add to the information of an officer of your experience; it is, however, proper to pay respectful attention to the subject of the letter you did me the honor to write on the 20th (received the 26th) instant. You will, therefore, please accept of the following answers given to your questions relative to the organization of the militia of the United States, as the result of my observations:

FIRST. How are your dragoon and artillery corps formed?

Answer. Previous to the Western expedition, in 1794, the companies of cavalry and artillery, in New Jersey, were attached to the regiments within whose bounds they were formed.

Besides, a brigade of upwards of 1,500 infantry, including two companies of artillery thereto attached, in requisition, 537 cavalry marched as volunteers to Pittsburg. Governor Howell appointed General White, then Adjutant General of New Jersey, to the command of the cavalry, arranged in squadrons under the command of senior captains. The like formation into squadrons was made of the cavalry of Pennsylvania by Governor Mifflin.

Upon the return of the cavalry to New Jersey, application was made to the Legislature, and by the militia law of New Jersey were formed into ten squadrons, making five regiments, and composed one brigade, under the command of a brigadier general, five lieutenant colonels, and ten majors, and have so continued.

The artillery of the State was also formed into two battalions, making one regiment, and officered accordingly.

It was found absolutely necessary to organize such a body of cavalry as five hundred into squadrons and regiments, for subordination and discipline.

It will, therefore, be advisable, as well for the sake of uniformity throughout the United States as for their better military regulation and discipline, to direct the organization of the cavalry in squadrons and regiments. It will be more satisfactory where the cavalry have been thus organized, and prevent offence by their being reduced.

SECOND. What inconvenience would result from limiting the shortest period of service to a commissioned officer?

Answer. It would be an improvement of the militia law of the United States to restrain the resignation of officers until they shall have served seven years, unless in cases of necessity; and, after service of seven years, to be exempted from service in the ranks, nevertheless, to be embodied and mustered with the senior class.

There are no exemptions in New Jersey but those exempted by the militia law of the United States. If an officer resigns, he must return to the ranks or be fined.

THIRD. What are the objections to embodying a corps of between the ages of forty-five and sixty?

Answer. There is no reasonable objection. The militia law of the United States ought to

require the muster of all able-bodied men, between the ages of forty-five and sixty, for review, properly armed, but not to perform military duty, only in case of invasion; nor to be required to march out of the State; to be denominated the Senior Corps, or Senior Class, of militia.

Permit me here to ask, what objections can be made to class minors, between the ages of sixteen and twenty-one?

These youths to put on their frocks, or other regimentals, and be exercised in their several towns, two hours before sunset, on the last Saturday in April, May, June, July, August, and September, under officers above the age of twenty-one.

Great complaints are made in New Jersey by parents and masters having their children and apprentices put in requisition. In many cases, inability to equip, pay fines, &c., which operates as a heavy tax on poor parents, and particularly on mechanics, who have from five to twenty apprentices. I wish to see such a corps well disciplined in their non-age.

There was some objection made to the enrolling of minors when this business of classification, between twenty-one and twenty-six, was before Congress, in 1806. Yet I have never heard of a Constitutional objection against that part of the present militia law of the United States, which directs the enrolment of those who shall, from time to time, arrive at the age of eighteen years. And why not enrol minors of sixteen, as well as those of eighteen, &c. If it is unconstitutional in any of the States to enrol minors, what becomes of those between eighteen and twenty-one? If the objection arises from the Constitution of any of the States, on account of the appointment of the officers to command minors, this can be accommodated in those States by incorporating the minor with the senior class, and let the seniors exclusively elect the officers to command both classes.

There ought to be some amelioration made in favor of those between eighteen and twenty-one as to the equipments, fines, penalties, and particularly on requisitions of the Government.

The Junior Corps, of course, will be those between twenty-one and forty-five, compose the great body and active militia force of the nation; be put in requisition as heretofore, to march out of the State, &c.; nor do I wish to see this corps paralyzed by the classification of men between twenty-one and twenty-five, as has been proposed.

FOURTH. What are your objections against classing the militia, so that the burden of active duty shall fall on men between the ages of twenty-one and twenty-five years?

Answer. Doubts are entertained:

I. Whether this would not infringe the Constitution of the United States, article one, section eighth, page sixteen, "reserving to the States, respectively, the appointment of the officers, and the authority of training the militia," &c. And the article of amendment to the Constitution of the United States, "a well regulated militia be-

Militia of the United States.

ing necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed."

Although I sincerely wish this reservation and amendment were stricken out of the Constitution of the United States, yet, while they remain, no good, energetic, general, uniform, national system of organization, of the militia of the United States, can be effected. In the Administration of President Adams, it was alleged that the act authorizing the President of the United States to raise a provisional army, passed 22d May, 1798, particularly section 3, and the supplementary act thereto of 22d June, 1798, were infringements of these articles of the Constitution of the United States, inasmuch as it was unconstitutional—

1st. To separate a part of the militia within the State.

2d. Exempted these volunteer corps, while within the State, from the government of the militia laws of the State.

3d. The appointment of the officers by the President.

II. The impolicy of such a corps at this time:

1st. It would derange, at one stroke, the system of organization of the militia of the several States, adopted near eighteen years, under the militia law of the United States.

2d. It would annul, or operate as a repeal of the several militia laws of the United States, passed in conformity to the law of the United States, of 8th May, 1792.

3d. It would require at least a year for the passing of the militia laws, in the several States, conforming to the proposed alteration, and perhaps some of the States would not concur.

4th. The extended residence of men, between twenty-one and twenty-six, in the country, will make their assembling, for exercise, &c., very burdensome and unequal with those in the cities and populous parts of the United States.

5th. The exercise under officers (as it must be) of their own choice, will not improve these corps in military knowledge better than the great body of the militia under the present system.

6th. It will be an insupportable expense to allow this select corps pay and rations.

7th. It will weaken the natural defence of the nation, composed of the great body of the people, by placing entire dependence on this select corps.

8th. In requisitions, substitutes are usually obtained of the poorer classes of men above twenty-six, and, indeed, many only "fit food for powder and ball." If these select corps are established, the nation cannot be purified of these gross materials above twenty-six.

If such corps should be selected, and separated from the militia, to allow them rations would be sufficient, to be exercised by their officers, under the direction and inspection of an inspector in each State, distinguished for military acquirements; to be paid by the United States.

Fifth. Would it be advisable for the Government to arm the militia?

Answer. That article of the Constitution of the United States, respecting the militia, expressly

directs, that Congress shall "provide for arming" the militia. They have not done it. The National Legislature have neglected what they ought have done the moment it was in their power, to have apportioned arms, accoutrements, &c., to the amount, at least, of one-sixth of the number of the enrolled militia; established arsenals for their preservation, with magazines of powder and ball, and camp equipage, &c. But, instead of doing this, Congress, by their militia law of 1792, order every citizen enrolled to provide himself with arms, &c., and in five years require all muskets to have bores sufficient for balls of the eighteenth part of a pound. The Legislatures of some of the States have passed militia laws directing this to be done. Seventeen years have elapsed, and it has not been effected, it is believed, by any State in the Union. In New Jersey, only one regiment have (from fines collected from the Quakers within its bounds) purchased six hundred stand of arms and accoutrements.

The supply of arms, ammunition, camp equipage, arsenals, &c., in every State, ready for the militia, particularly for one-sixth thereof, being, perhaps, sufficient for any requisition of the United States, would give spirit and confidence to the great body of the militia.

The amendment of the Constitution of the United States, cited, secures "the right of the people to keep and bear arms;" nor will the Constitution of the United States, or the rights of the States, or of the people, be infringed, and I am very confident not endangered, if the concurrent authority of the National Government is exercised to provide arms, establish magazines, &c., and to arm, indeed, the great body of the militia of the United States.

Sixth. Would it be advisable to call out any portion of the militia, yearly, to take the field; and, if so, on what principle would it be advisable to adopt such a system?

Answer. Before this can be done to any advantage, arms, accoutrements, tents, and camp equipage must be furnished by the Government of the United States; after the National Legislature shall have provided and delivered into the magazines established in every State, sufficient for a requisition of, say, 100,000 men, to be enrolled for three years' service, from the junior class of militia, that is, between twenty-one and forty-five, according to the quotas of the several States, who shall meet once a year in the vicinity of the arsenal, and perform, for fifteen days, all the duties incident to a camp, to be exercised by their officers, and inspected by their respective State adjutant general, who will perform similar duties to those prescribed in the sixth section of the militia law of the United States.

Neither officers or men to receive pay, but to be furnished with rations and clothing, of a frock, pantaloons, &c., from the magazines, to be returned on breaking up the camp, &c.

Seventh. What are the prominent defects of the present system?

Answer. The answer to this question has been, in a manner, anticipated by the observations al-

Military and Naval Expenses.

ready made, particularly respecting the neglect of the Government of the United States in not making provision to supply arms, tents, &c.; establishing magazines in the several States; for the making of militia laws will not avail without arms, ammunition, camp equipage, &c., ready to take the field.

Whether the classification of the senior and minor, or either of these corps, be adopted; that, in preference to the proposed select corps, between twenty-one and twenty-six, the junior corps of men, between eighteen and forty-five, or twenty-one and forty-five, be put in requisition, without discrimination, whenever a call is made by the Government.

The returns of militia being very incorrect, the

quotas on the several States ought to be according to the representation in the House of Representatives in Congress.

I beg leave to suggest, here, that the law to take the census provides for the enumeration of all males under sixteen; between sixteen and twenty-one; between twenty-one and forty-five; and between the ages of forty-five and sixty; and from sixty upwards; at any rate, of the number of males between eighteen and forty-five, if the present militia system shall be continued.

Sincerely wishing you health, and many returns of this season of joy and festivity, I am, very respectfully, your most obedient servant,

JOSEPH BLOOMFIELD.

Hon. Col. B. TALLMADGE.

MILITARY AND NAVAL EXPENSES.

[Communicated to the House of Representatives, April 5, 1810.]

TREASURY DEPARTMENT, April 3, 1810.

SIR: I have the honor, in obedience to the resolution of the House of Representatives of the 31st ultimo, to transmit a statement of the annual amount of expenditure, in relation to the Military and Naval Establishments, from the 4th of March, 1789, to the end of the year 1809.

The sums paid for military pensions, and for the Indian department, are not included in the statement; but it embraces all other expenses, including those for fortifications, arms, and military stores, purchase of navy yards, and building of vessels.

I have the honor to be, &c.

ALBERT GALLATIN.

The Hon. the SPEAKER of the H. of R.

A statement exhibiting the gross annual amount of expenditure, in relation to the Military and Naval Establishments, from the 4th of March, 1789, to the end of the year 1809.

Years.	Military Establish- ment.	Naval Establish- ment.	Total.
From March 4, 1789, to December 31, 1791	\$632,804 03	—	\$632,804 03
Do. do. do. 1792	1,103,038 47	—	1,103,038 47
Do. do. do. 1793	1,132,443 91	—	1,132,443 91
Do. do. do. 1794	2,589,097 59	\$61,408 97	2,650,506 56
Do. do. do. 1795	2,422,385 81	410,562 03	2,832,947 84
Do. do. do. 1796	1,246,327 82	274,784 04	1,521,111 86
Do. do. do. 1797	1,002,299 04	382,631 89	1,384,930 93
Do. do. do. 1798	1,939,692 39	1,381,347 76	3,321,040 15
Do. do. do. 1799	2,405,669 17	2,858,081 84	5,263,751 01
Do. do. do. 1800	2,517,409 99	3,448,716 03	5,966,126 02
Do. do. do. 1801	1,600,944 08	2,111,424 00	3,712,368 08
Do. do. do. 1802	1,179,148 25	915,810 87	2,094,960 12
Do. do. do. 1803	822,055 85	1,246,317 89	2,068,373 74
Do. do. do. 1804	875,923 93	1,273,860 25	2,149,784 18
Do. do. do. 1805	712,781 28	1,597,500 00	2,310,281 28
Do. do. do. 1806	1,224,355 35	1,649,641 44	2,873,996 82
Do. do. do. 1807	1,288,685 91	1,722,064 47	3,010,750 38
Do. do. do. 1808	2,900,834 40	1,884,067 80	4,784,902 20
Do. do. do. 1809	3,345,772 17	2,427,758 80	5,773,530 97
	\$30,941,669 47	\$23,645,979 08	\$54,587,648 55

TREASURY DEPARTMENT, Register's Office, April 3, 1810.

JOSEPH NOURSE, Register.

*Mortality in the Troops at New Orleans.***MORTALITY OF TROOPS AT NEW ORLEANS.**

[Communicated to the House, April 27, 1810.]

Mr. NEWTON, from the committee, in obedience to a resolution which passed the House of Representatives of the United States, on the thirteenth of March last, instructing them to inquire into the cause or causes of the great mortality in the detachment of the Army of the United States, ordered for the defence of New Orleans, submitted the following report :

The committee perceived, at the instant their attention was directed to the subject referred to them, its importance, difficulty, and extent. The solicitude which was expressed for the acquisition of accurate information, and the manner in which the inquiries of the committee were pointed to a specific object, stimulated them to fulfil, to the utmost of their power, the expectation and desire of the House. In performing the duties assigned to them, they necessarily had many difficulties to encounter; these consisted in collecting, collating, and arranging a multitude of facts and circumstances which had their origin in a distant Territory, and the dissimilar aspects in which the same object would be represented, according to the medium through which it had been seen. Not discouraged at the prospect of such labors, they proceeded to commence them with every disposition, and with all the patience so essential to insure a fair, candid, and impartial disclosure of the state of the detachment of the Army ordered to New Orleans. To accomplish a purpose every way so desirable and interesting, and likewise to obviate objections, the committee, on mature deliberation and reflection, determined to make a plain and succinct statement of facts, as the method best calculated to impart information, and to guide the understanding in the formation of a correct judgment.

In pursuing this plan, which the committee early laid down for their observance, they are led to present to the House, in a narrow compass, the correspondence which passed between the Department of War and the commanding officer.

Next in order, the number of troops sent to New Orleans, and the present effective force.

The measures taken for paying the troops, and the precautions observed for insuring a prompt supply of sound and wholesome provisions for their subsistence.

The instructions given to the military agent by the Department of War, and the authority invested in the commanding officer over the military agent, as gathered from the instructions. Under this head will be included whatever relates to clothing and medical and hospital stores.

The depositions taken by the committee.

Lastly, the causes which, in the opinion of the committee, produced the mortality in that detachment of the Army.

A No. 1.

A letter from the Secretary of War, dated February 24, 1810, in answer to one addressed to him

in obedience to the direction of the committee, requesting information on the subject submitted to them.

The Secretary says, "I have the honor, accordingly, herewith to submit to their inspection a transcript of the original order, bearing date December 2, 1808, designating the force destined for the defence of New Orleans, and of the subsequent orders from this department, together with such extracts from the letters of the commanding general as relate to the selection and occupancy of, and the removal of the troops from, the encampment at *Terre au Bœuf*."

A No. 2.

On the 2d of December, 1808, the Secretary of War, (General Henry Dearborn,) in a letter to General James Wilkinson, says: "I am directed by the President of the United States to have the necessary measures taken, without delay, for assembling as large a proportion of our regular troops at New Orleans and its vicinity, as circumstances will permit." Immediately following this extract, the regiments and companies destined for New Orleans are designated, and the previous preparatory arrangements connected with the movements are directed to be made. The letter then concludes: "You will please to take measures for being at New Orleans in season to take command of the Army in that department as early as practicable, and to have such a disposition of the troops in that department formed, as will most effectually enable you to defend New Orleans and its dependencies against any invading force. In case of emergency, you are authorized by the President of the United States to call on the Governors of the Orleans and Mississippi Territories, for such detachments of the militia as may be deemed necessary."

On the 30th of April, 1809, the Secretary of War (William Eustis, Esq.) addressed a letter to General James Wilkinson, expressing great anxiety and solicitude for the health of the troops. Alluding to apprehensions on this important point, he proceeds to say, "on inspecting the general instructions given by this department, 2d of December, 1808, it appears that the troops were to be assembled at New Orleans: an apprehension that the letter of this instruction may be construed to limit any measures which your own judgment might suggest respecting a change of position, induces me to remove any such obstacle, if it shall have had an influence. By the returns of the 24th of March, it appears that more than one-fourth part of the troops were sick. Without a knowledge of this fact, the removal of the army from New Orleans, during the summer and autumnal months, is suggested by every consideration of prudence and experience. If, therefore, such removal shall not, on receipt of this letter, have been already commenced, you will be pleased to give the necessary orders to have it effected immediately. After leaving the necessary garrison, consisting of old troops, at New Orleans, it will be desirable that all the

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others should be transported either to the high ground in the rear of Fort Adams, or a part of them, in the rear of the Natchez; perhaps both these stations should be occupied, a division of the troops being more favorable to their health than quartering the whole together in one body: of this you will judge. The primary object will be, to preserve the health and lives of the men; next, to have them so quartered as will best admit of a regular system of order, government, and discipline, with as much economy as is practicable."

On the 29th of May, 1809, General James Wilkinson addressed a letter to the Secretary of War. He says, "after much inquiry, I have determined on a spot for the encampment of the troops. It was a difficult matter, from the localities of the country, to adjust; and, being an object of primary importance in relation to economy, discipline, and health, it has truly occupied all my cares and attentions, and will, I hope, be my excuse for inattention to minor objects." In the part immediately succeeding this extract, the General mentions that he had abandoned the idea of encamping on the site spoken of by General Henry Dearborn, called Galvestown, on the Amite river, on account of its being the most sickly spot in the Territory. The General then says: "with the general voice of the Americans and Creoles in favor of it, I have selected a piece of ground on the left bank of the Mississippi, below this city about four leagues, which I find perfectly dry at this moment, although the surface of the river, restrained by its dykes, is in general three feet above the level of the country. You will put your finger on the spot at the head of the English Turn, just where the route to the settlements on the Terre au Bœuf leaves the river. The disadvantages of the position are private ground, private wood, and its vicinity to New Orleans. But its advantages are, promised health, the best water of the country, the accommodation and comforts of a market, the immediate protection of the city, and the prompt defence of the river and lakes against an invading force. Under such considerations, and the rapid advance of the season. I could pause no longer; but shall proceed to take the position, and make the necessary establishments for the reception and safe-keeping of the stores and provisions, necessary to supply and support the troops, and for the comfortable lodgement of the sick and well."

Letter from General Wilkinson to the Secretary of War, dated

CAMP, TERRE AU BŒUF, June 18, 1809.

"Your letters of the 30th of April, and 4th ultimo did not reach New Orleans until the last mail, the 14th instant, though we received at the same time the President's Speech. I am happy that I have so far anticipated your wishes as to have encamped the troops, though I have not sought the position you recommended; nor should I have done so while permitted to exercise my discretion, and for the following reasons: The

movement to Fort Adams or to Natchez must have been made by water, as the Spaniards will not permit our passage through West Florida: the toil, the time, and exposition of the sun, in ascending the river one hundred leagues, with a corps of two thousand, would probably have diseased nine-tenths of the men, many of whom were in a convalescent state, and as many sick."

The General then states the expense of transportation; that the position is too remote for the seasonable protection of New Orleans against external attack or internal commotion; that the upper country might prove more sickly than the bank of the Mississippi; that the movement to Terre au Bœuf was made without inconvenience to the well, or injury to the sick, and at no expense, because the chalons which transported them will be employed in erecting the necessary temporary buildings, and for flooring the tents. The General further states, that the position taken is refreshed by sea breezes, and that, although more than five hundred sick and convalescent were brought to the ground which had been previously occupied by five hundred and sixty men, from the 1st instant not more than three men died, and one of these of an apoplexy; that the morning reports of the 13th and 16th will exhibit a frightful return of the sick; "yet, says he, you are to understand that nine-tenths are strongly convalescent, and are returned sick to prevent their being detailed for the general fatigues, to which we are now, and shall be for some time to come, necessarily exposed." After mentioning that the safety of those who are entrusted to his charge impress him with an awful sense of responsibility, and will occupy all his attention, he proceeds to say: "It is a source of pleasurable reflection to me, that the aspects and accommodation of the position have prepossessed every man and officer in its favor. We have a good market of vegetables, milk, eggs, and fowls, from the settlements of Terre au Bœuf." He then speaks of arrangements in the sutling department; wishes to be advised whether it is the intention of Government to erect a cantonment, as one would be necessary, either at Natchez or Terre au Bœuf: if the latter, expenses of such establishment are set forth. He then says, "I submit these observations to you for your consideration, as it is my duty to aid your judgment, and shall be ready to execute the Presidential will."

The Secretary of War to General James Wilkinson, dated

WAR DEPARTMENT, June 22, 1809.

Being unable to perceive any advantages in the position which you have selected for an encampment, as stated in your letter of the 29th of May, which give it a preference over the high ground in the rear of Fort Adams, or its vicinity, to which my letter of the 30th of April, directed, conditionally, the removal of the troops, I am left to presume, either that my letter has not been received, or that some causes, unknown to

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me and reconcilable with the object stated in that letter have governed your decision. On receiving this letter you will be pleased immediately to embark all the troops, leaving a sufficient garrison of old troops at New Orleans and at Fort St. Philip, and proceed with them to the high ground in the rear of Fort Adams, and to the high ground in the rear of Natchez, (the public ground,) and form encampments; dividing them equally, or in such proportions between the two places, as your own judgment shall direct. The enclosed copy of an order from the Navy Department will present you the means of transportation. The movement of the troops will be committed entirely to your direction."

By a letter bearing date Camp Terre au Boeuf, July 23, 1809, General Wilkinson acknowledges that the preceding order had come to his hand: he says, "your duplicate of the 22d ultimo reached New Orleans by last mail on the 19th, and came to my hands on the night of the 20th, at ten o'clock: the original has not yet arrived. The peremptory tenor of your order for the removal of the troops has relieved me from an oppressive load of responsibility, and I have not lost a moment in entering on the execution." He states the impossibility of controlling the effects of the climate; that it will be in vain to seek refuge from disease in that region, with unseasoned recruits. He also states that, when possession was taken of the present healthful site at Columbia Springs, near Fort Adams, two hundred and forty-six men were down at one time out of about five hundred. After mentioning some things relating to the movement of the detachment up the river, he says, "you will discover, from my letter of the 18th ult., the causes which opposed our ascent of the river; the employment of the gunboats removes the expense, and the labor of the sailors will save that of the troops, but the tardiness of the movement and the heat of the sun in dog-days must endanger our health."

After expressing his sense of the necessity of economy, and stating that the establishment had cost something, but that the cost will bear comparison with antecedent expenses, he then mentions that the public cost, in future, would not exceed six or eight hundred dollars per month, the year round, for every incidental expense, wood, pasturage, and quarters, included; and concludes thus: "under all circumstances, I must frankly say that, was my discretion permitted, I should stay here and hazard the consequences; but, as there would be hazard, I am glad of your order to move, not only as it lessens my responsibility, but because the change of place may prove salutary to our men; in all events you may depend on whatever my judgment, experience, personal exposition, and attention, can effect."

A No. 3.

The following letter, dated Camp, Terre au Boeuf, August 19, 1809, is addressed to the Secretary of War, by General Wilkinson: he says, "I have not received the scrip of a pen from you

since the 30th of June. but am progressing rapidly in my arrangements for moving the troops, an object near my heart, and which occupies all my attentions."

The General then states, that not one of the gunboats had been reported in readiness; that the preparation was difficult, owing to the general sickness of their crews, and the impracticability of shipping men; that the condemned barges at Fort Adams had been ordered down, and were repairing at a small expense; that, if the gunboats fail him, he should hire three or four barges, and that, in twenty days, he expected to make good his landing at Natchez, or in that vicinity. He then states, "our sick have increased considerably, but our maladies are confined almost universally to the ague and fever; nearly all the officers had it, but we have not lost one, nor do I expect we shall." He states the difficulties which occurred in the department of provisions: he says, "the clamors of the troops had been loud and just, that he had offered one hundred dollars for a small cow, without effect; that the flour was affected by the climate immediately after landing; and that, on the utter failure of the contractor to furnish bread or flour for two or three days successively, he had purchased a hundred, barrels of flour, and had the same distributed." He attributes to the absence of the contractor, and the consequent management of his business being entrusted to a young man, without knowledge or experience, and, apparently, of an obstinate, perverse disposition, all the difficulties they had to encounter on the subject of provisions. He then says, "I wish, indeed, that he may not oblige me to take the whole business out of his hands, and to appoint a commissary to purchase and supply; but, in the last extremity only, shall I resort to this step." After stating "that the inhabitants were down with the prevailing disease of the camp, a thing which, according to them, had never before occurred," he concludes thus: "I am alarmed for our medical and hospital expenses, but I do not understand that a particle of either has yet arrived for the new levies, and of course I have no alternative but to submit to the requisitions of the surgeons. We shall not, however, press your appropriations for this department, although the consumption of five or six hundred sick must be considerable."

Detachment of the Army ordered for the defence of New Orleans.

Aggregate, according to the returns which have been printed - - - - \$2,036

B. Absentees accounted for.

C. A return of the troops commanded by Brigadier General Hampton, for December, 1809.

D. A return of the troops at that cantonment, Washington, M. T., for January, 1810.

E. A return of the troops at the last-mentioned cantonment, for February, 1810.

Mortality in the Troops at New Orleans.

F. A return of deaths, desertions, and discharges, of the "additional military force," allotted for the defence of New Orleans, from 1st May, 1809, to February, 1810, viz:				
Deaths	-	-	-	666
Desertions	-	-	-	108
Discharges	-	-	-	58
				852
G. A return of the effective strength of the "additional military force," allotted for the defence of New Orleans, taken from the latest reports which have been received at the inspector's office, Washington city, April 16, 1810, aggregate				
				1,184
H. A return of a detachment of the United States' marines, stationed at New Orleans, from the 1st of March, 1809, to the 31st of December, 1809. Exhibiting the monthly force of the detachment, and the number of deaths, respectively.				

I.	
Funds placed at the disposition of the Paymaster of the Army of the United States, for the payment of the detachment ordered to New Orleans.	
Sum estimated for this object, for the year 1809	\$250,000
Lieutenant Simeon Knight, the district paymaster at New Orleans, as, in the early part of the year 1809, furnished with the sum of	100,000
In June, 1809, Lieutenant Simeon Knight was authorized to draw for fifty thousand dollars, of which sum, he drew	40,000
July, 1809, there was remitted to Lieutenant Simeon Knight, and received by him before the 7th of August following, the sum of	100,000
Authority was given, in order to enable him to commence the payment of the troops for the year 1810, to draw for	60,000

K.
Provisions.

These are furnished by contract. By the second article of the contract for supplying provisions to the troops, it is provided, "that it shall be in the option of the general or officer commanding an army on a great military district, to direct when and how often fresh or salted meat shall be issued by general orders, to be promulgated a reasonable time before the issue is to commence."

By the fourth article, "whenever, in the opinion of the commanding officer, the provisions offered to be issued are unsound, unfit for use, or of an unmerchanted quality, a survey shall be held thereon by two disinterested persons, one to

be chosen by the commanding officer, and the other by the contractor, or his agent; and, in case of disagreement, a third person, to be chosen by mutual consent, who shall have power to condemn such part of the provisions as to them may appear unfit for use." If the contractor, "or his agent, fail, or neglect to appoint a person to inspect the provisions, after reasonable notice in writing, the commanding officer may appoint such persons as he may think proper."

The fifth article authorizes the commanding general, in case of absolute failure, or deficiency in quantity, of provisions contracted to be delivered and issued, to supply the deficiency by purchase, at the risk of the contractor." The power conferred by the last article was, in one instance, exercised. That those granted by the fourth and fifth articles were not exercised, can be accounted for by this department, on the presumption only, that, in the opinion of the general, the country could not furnish the supplies.

L No. 1.

Instructions to the Military Agent at New Orleans, and amount of disbursements in that department.

The following instructions to A. D. Abrahams, the military agent at New Orleans, "to procure and deliver, on the orders of the commanding officer, such articles as he may deem necessary for the public service," was given by the Secretary of War, (General Henry Dearborn,) on the 12th of December, 1808.

L No. 2.

The Secretary of War, (William Eustis, Esq.) May 4, 1809, wrote to A. McCulloch, and informed him of his appointment as military agent, A. D. Abrahams having resigned. This letter contains many regulations for the agent's observance in executing the duties of his office. The above-mentioned instruction is repeated, and the following additional one given: "The expenditures should be as economical as the good of the service will permit. No article, it is presumed, will be required of you, but such as the nature and good of the service actually demand. Should it happen, however, at any time, that demands are made upon you to a large amount, the propriety of complying with which you may doubt, and where delay may not, in your judgment, prove injurious to the public interest, you are to consult this department." It appears Mr. McCulloch died in a few days after his arrival at New Orleans; on which Major Zebulon M. Pike, of the 6th regiment, was appointed, by General Wilkinson, as successor to Mr. McCulloch, and continued to discharge the duties of that office under the instructions given to Mr. McCulloch, until the removal of the troops from the encampment at Terre au Boeuf.

L Nos. 7 and 3.

The Secretary of War, in a letter addressed to the Committee, bearing date the 16th of April,

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1810, says: "Representation being made by the Accountant of this department, that many articles in the accounts rendered by Mr. A. D. Abrahams, the military agent, were charged at extravagant prices, the necessity of some of which did not appear, and the prices of others being deemed exorbitant, the military agent was informed, on the 10th of August last, that he was not authorized to comply with such requisitions in future. This is the only limitation of the instructions beforementioned, which has been made by this department." This last instruction to the military agent could not have reached him until some time in September last. The military agent, whenever he wanted funds, drew bills on the Department of War, which were regularly paid.

L Nos. 4, 5, and 6.

Disbursements in the Quartermaster and Medical and Hospital Departments, by A. D. Abrahams, Military Agent.

On account of that part of the Army stationed at New Orleans, and in its vicinity, between the 1st of January and 20th of July, 1809, including payments made for the charter of a part of the vessel employed to transport the troops to that place.—See document K - - \$55,188 43

Disbursements made by Major Pike, on same account, from the 21st of July to the 31st of December, 1809 27,474 73

\$82 663 16

NOTE.—The above sums embrace no part of the expenditures made on the fortifications erecting at New Orleans.

William Linnard, military agent at Philadelphia, in his letter of the 31st of March, 1810, states, that medical and hospital stores were shipped on board the schooner Hillsman; that she sailed from Philadelphia the 7th of January, 1809: was detained by ice; sailed again the 5th of March following, and arrived at New Orleans the 5th of April, and delivered the stores on the 7th and 8th.

M Nos. 1 and 2.

Clothing.

By the same letter from William Linnard, military agent, it appears, that the brig North Star sailed from Philadelphia the 6th of July, 1809, with clothing for the troops; arrived at New Orleans the 22d of August, and delivered the same in three days after her arrival; which was within twelve months of the time that the men of that detachment had generally received their clothing for the preceding year.

The Depositions.

Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12.

The committee, from a knowledge which they have acquired of the climate of New Orleans, 11th Con. 2d Sess.—77

and of the country surrounding it, and from the facts stated in the depositions, are of opinion, that the mortality in the detachment ordered to New Orleans is to be ascribed to the following causes:

1. The detachment consisting of new levies.
2. The insalubrity of the climate—the Summer and Autumn of the year 1809 being unusually sickly.
3. To the nature of the ground on which the detachment was encamped at Terre au Bœuf, and the detention of it at that place during the whole of the Summer, contrary, as the committee conceive, to the instructions contained in the letter of the Secretary of War, bearing date the 30th of April, 1809.
4. To the want of sound and wholesome provisions and of vegetables; the want of an hospital, and hospital stores and medicines.
5. The excessive fatigues to which the troops were subjected in clearing, ditching, and draining the ground on which they were encamped.
6. To the want of repose during the night, owing to the troops not being provided with bars or nets to protect them from the annoyance of mosquitoes.
7. The want of cleanliness in the camp, the nature of the position rendering it almost impracticable to preserve it.
8. The sick and well being confined to the same tents, which neither protected them sufficiently from the heat of the sun, nor kept them dry from the dews and rains.

A No. 1.

WAR DEPARTMENT, *February 24, 1810.*

SIR: In answering your letter of the 19th instant, requesting information on the following heads, viz:

1st. Whether the detachment from the Army of the United States sent to New Orleans was encamped at Terre au Bœuf, on the Mississippi, in pursuance of orders given to the commanding officer of that detachment?

2d. The object of the encampment of that detachment at Terre au Bœuf?

3d. Whether the detachment during the encampment at Terre au Bœuf, suffered in any respect for want of regular and necessary supplies?

4th. Whether the detachment was encamped in contravention to orders: if in contravention to orders, the time it so continued at that place?

I have adopted the course which has appeared to me most becoming the occasion, and best calculated to convey to the honorable committee, of which you are chairman, the information they have requested. I have the honor, accordingly, herewith to submit to their inspection a transcript of the original order, bearing date December 2, 1808, designating the force destined for the defence of New Orleans, and of the subsequent orders from this department, together with such extracts from the letters of the commanding general as relate to the selection and occupancy

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of, and the removal of the troops from, the encampment at Terre au Bœuf.

Previous to the issuing of the order of the 22d of June, a consultation was had with the Secretary of the Navy, the result of which justified an expectation that the necessary transports for the troops might be derived from the naval flotilla on the Orleans station; an order for that purpose was accordingly given.

On receiving the order of the 22d of June, it is believed that the General made every possible effort to procure the transports for his army; but the sickness which afflicted the Army, and the whole country, had also extended itself to the marine: owing to this circumstance, and the distance of the vessels from New Orleans, unexpected delays occurred; in addition to which, it being found necessary to have the assistance of the public boats at Fort Adams, which required repairs, the General found himself unable to embark the Army until the month of September, as stated in my letter of the 30th of January last.

At such time as the honorable committee may be pleased to appoint, I shall be ready to attend on them, and to give such further information as may be required.

With respectful consideration, &c.

W. EUSTIS.

HON. THOMAS NEWTON, *Chairman.*

A No. 2.

Letter from the Secretary of War to General James Wilkinson.

WAR DEPARTMENT, *December 2, 1808.*

SIR: I am directed by the President of the United States to have the necessary measures taken, without delay, for assembling as large a proportion of our regular troops at New Orleans and its vicinity, as circumstances will permit. You will please, therefore, to issue preparatory orders for the transportation to New Orleans of the 3d, 5th, and 7th regiments of infantry, with a battalion consisting of four companies from the 6th regiment, together with the companies of light dragoons, light artillery, and riflemen, raised in the States and Territories to the southward of New Jersey. The troops, generally, in the Atlantic States, should be assembled at Savannah, Charleston, South Carolina. Washington, North Carolina, Norfolk. and Hoods, Fort McHenry, and Fort Mifflin, where suitable vessels be provided for their transportation.

The troops raised in the Western States, together with the late Captain Bissell's company, will be provided with suitable boats for descending the Ohio and Mississippi. Captain Boote's company should march by land, from the Ocmulgee to Fort Stoddert or Fort St. Stephens. The field officers of each regiment of infantry, and one field officer of the respective corps of light dragoons, light artillery, and riflemen should be marched with their corps; and a major, with the battalion from the 6th regiment of infantry, together with the surgeons and mates of the regiments of infantry; a surgeon to the respective

corps of dragoons, artillery, and riflemen; and a mate with the battalion of the 6th regiment of infantry. Provisions for seventy-five days, with a supply of water for thirty-five days, should be put on board of each vessel for the men on board. Medicine and hospital stores, camp kettles, &c., will be forwarded, with ammunition and tents.

In giving your orders for the assemblage of the troops at the different points, it will not be necessary to give any indications of their ultimate destination.

One subaltern of each company, best qualified for the recruiting service, should remain at the respective rendezvous, with instructions to continue that service with all possible celerity; and to have their recruits assembled at the garrisons on the seaboard of the respective Atlantic States; and at Newport, in Kentucky, and Massac, from the Western States. It may, however, be advisable to direct the recruits, enlisted in the interior of Pennsylvania and Virginia, to assemble on the Western waters.

You will please to take measures for being at New Orleans in season to take command of the Army, in that department, as early as practicable; and to have such a disposition of the troops, in that department, formed, as will most effectually enable you to defend New Orleans, and its dependencies, against any invading force.

In case of emergency, you are authorized, by the President of the United States, to call on the Governors of the Orleans and Mississippi Territories, for such detachments of the militia as may be deemed necessary. I am, &c.

H. DEARBORN.

Letter from the Secretary of War to General James Wilkinson.

WAR DEPARTMENT, *April 30, 1809.*

SIR: In my letter of the 27th instant, a concern was expressed for the health of the troops, together with a confidence in your experience, knowledge of country, and entire competency and disposition to adopt every necessary measure respecting that very important object.

On inspecting the general instructions given by this Department 2d December, 1808, it appears that the troops were to be assembled at New Orleans; an apprehension that the letter of this instruction may be construed to limit any measures which your own judgment might suggest, respecting a change of position, induces me to remove any such obstacle, if it shall have had an influence.

By the returns of the 24th March, it appears that more than one-fourth part of the troops were sick.

Without a knowledge of this fact, the removal of the army from New Orleans, during the summer and autumnal months, is suggested by every consideration of prudence and experience.

If, therefore, such removal shall not, on receipt of this letter, have been already commenced, you will be pleased to give the necessary orders to have it effected immediately.

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After leaving the necessary garrison, consisting of old troops, at New Orleans, it will be desirable that all the others should be transported, either to the high ground in the rear of Fort Adams, or a part of them in the rear of Natchez; perhaps both these stations should be occupied, a division of the troops being more favorable to their health than quartering the whole together, in one body. Of this you will judge. The primary object will be to preserve the health and lives of the men; next, to have them so quartered as will best admit of a regular system of order, government, and discipline, with as much economy as is practicable. I am, &c.

W. EUSTIS.

Extract of a letter from General James Wilkinson to the Secretary of War, dated

NEW ORLEANS, May 29, 1809.

SIR: After much inquiry, I have determined on a spot for the encampment of the troops. It was a difficult matter, from the localities of the country, to adjust; and, being an object of primary importance, in relation to economy, discipline, and health, it has truly occupied all my cares and attentions, and will, I hope, be my excuse for inattention to minor objects.

Your predecessor had spoken with me respecting the site of Galvestown, on the Amite river, about sixty miles north of this place, and I proposed reconnoitering; but the idea was no sooner promulgated than some of the most ancient inhabitants called to inform me that it was the most sickly spot in the whole Territory, and that the Spaniards actually abandoned it on that account.

The advantages of this position would have been, public ground, public wood, and the removal of our recruits from the allurements, and sinister seductions of this licentious place. Its disadvantages, the proximity of the Spanish occupancy, and its distance from the most assailable points of the coast. Its character, and the prejudices which prevail against it, I believe on just grounds, are decisive on my determination; and, with the general voice of the American and Creole in favor of it, I have selected a piece of ground on the left bank of the Mississippi, below this city about four leagues, which I find perfectly dry at this moment, although the surface of the river, restrained by its dykes, is, in general, three feet above the level of the country. You will put your finger on the spot, at the head of the English Turn, just where the route to the settlements on the *Terre au Bœuf* leaves the river.

The disadvantages of this position are, private ground, private wood, and its vicinity to the city; the attractions of which will divert our green officers from due attention to their profession, and will expose them, as well as the men, to the arts, intrigues, dissipation, and corruption, of my personal enemies, and the enemies of the Administration and the Government, who are as busy, under the management of Clark and his cabal, as fiends of hell, to corrupt and seduce men and officers

from their duty, and to excite discontent and sedition. But its advantages are, promised health, the best water of the country, the accommodation and comforts of a market, the immediate protection of the city, and the prompt defence of the river and the lakes against an invading force. Under such considerations, and the rapid advance of the season, I could pause no longer, but shall proceed to take the position, and make the necessary establishments for the reception and safe keeping of the stores and provisions necessary to supply and support the troops, and for the comfortable lodgement of the sick and well.

Extract of a letter from General James Wilkinson to the Secretary of War, dated,

CAMP, TERRE AU BŒUF, June 19, 1809.

Your letters, of the 30th April and 4th ultimo, did not reach New Orleans until the last mail, the 14th instant, though we received, at the same time, the President's speech.

I am happy that I have so far anticipated your wishes as to have encamped the troops, though I have not sought the position you recommended: nor should I have done so, while permitted to exercise my discretion, and for the following reasons: The movement to Fort Adams, or to Natchez, must have been made by water, as the Spaniards will not permit our passage through West Florida; the toil, the time, and exposition to the sun, in ascending the river one hundred leagues, with a corps of two thousand, would probably have diseased nine-tenths of the men, many of whom were in a convalescent state, and as many sick; the expense of transportation would have exceeded twelve, or might have reached twenty thousand dollars; the position is too remote for the seasonable protection of New Orleans against external attack or internal commotion; and, after all, we might have found the upper country more sickly than the bank of the Mississippi, which frequently occurs. The movement to this place, on the contrary, was done without incommodation to the well, or injury to the sick, and at no expense, because the chalons which transported them will be employed in erecting the necessary temporary buildings, and for flooring the men's tents. It is impossible to decide whether we shall have a sickly or healthy season, but our proximity to the waters of the ocean, from which we have a breeze, together with appearances, so far, encourage us to believe in the latter; for, although we brought more than five hundred sick and convalescents to this ground, which had been previously occupied by five hundred and sixty men, from the 1st instant we have lost three men only, and one of these by an apoplexy. The morning reports of the 13th and 16th will speak for our convalescence, but will exhibit, at the same time, a frightful return of sick; yet you are to understand that nine-tenths of these are strongly convalescent, and are returned sick by order, to prevent their being detailed for the general fatigues, to which we are now, and shall be for some time to come, necessarily exposed. Whatever may

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be the result, rest assured, sir, that the safety of those who are entrusted to my charge impress me with an awful sense of responsibility, and will occupy my first attentions, assiduities, and cares; and it is a source of pleasurable reflection to me, that the aspects and accommodation of the position have prepossessed every man and officer in its favor. We have a good market of vegetables, milk, eggs, and fowls, from the settlements of Terre au Bœuf, and I shall make such arrangements in the sutling department as entirely to exclude the use of ardent spirits, which have been the bane of the service, and has destroyed more men than every other cause. I shall, at the same time, encourage the use of malt liquors, and small red wines, which may be had almost as cheap as whiskey.

As the troops must not return to New Orleans, one hundred and fifty men being sufficient for the garrison of that place, it would appear as a necessary consequence, that we must erect a cantonment somewhere, of which I cannot be too early advised, whether it be here, or at Natchez. If here, the proprietor will sell a site to the Government; or, he will give the use of the ground, with pasturage enclosures for our horses and cattle, and firewood the year round, for two thousand men, at five hundred dollars per month; and I do not believe better terms could be had in the Mississippi Territory. Our wood would cost, in New Orleans, one thousand one hundred dollars per month in summer, and three thousand five hundred dollars in winter. Should our force be kept up, and this place be fixed on, the huts can be put up by the men in a short period, and at a trifling expense, and the circumstance of receiving our subsistence on the river instead of the interior of the upper country, will save two cents per ration.

I submit these observations to you for your consideration, as is my duty, to aid your judgment, and shall be ready to execute the Presidential will.

Extract of a letter from the Secretary of War to General James Wilkinson, dated

WAR DEPARTMENT, June 22, 1809.

Being unable to perceive any advantages in the position which you have selected for an encampment, as stated in your letter of the 29th May, which give it preference over the high grounds in the rear of Fort Adams, or its vicinity, to which my letter of the 30th April directed, conditionally, the removal of the troops, I am left to presume, either that my letter has not been received, or that some causes unknown to me, and reconcileable with the objects stated in that letter, have governed your decision.

On receiving this letter, you will be pleased immediately to embark all the troops, leaving a sufficient garrison of old troops at New Orleans and Fort St. Philip, and proceed with them to the high ground in the rear of Fort Adams, and to the high ground in the rear of Natchez, (the public ground,) and form encampments, dividing

them equally, or in such proportion between the two places, as your own judgment shall direct. The enclosed copy of an order from the Navy Department will present to you the means of transportation. The movement of the troops will be committed entirely to your direction.

W. EUSTIS.

NAVY DEPARTMENT, June 22, 1809.

SIR: The Secretary of War having made application for the use of the gunboats under your command, for the purpose of removing the troops under the command of General Wilkinson up the Mississippi, you may retain as many of the boats as you may think absolutely necessary at your present station, and detach the remainder of them on this service, which I contemplate to be simply of the transport kind. The boats so detached are to continue on that service until the removal of the troops shall have been completed, unless contingencies shall arise which may require their being recalled previously; of which you are to judge. You are, yourself, to remain, during this service, at your station; and the boats having returned, you will be at liberty to avail yourself of the permission already forwarded you, "to come to the Atlantic States." You will inculcate on the officers commanding this detachment, the necessity of harmonizing with the military in every matter necessary to the most speedy attainment of the object intended to be effected.

Respectfully yours,

PAUL HAMILTON.

Capt. D. PORTER, *New Orleans.*

Extracts of a letter from General James Wilkinson to the Secretary of War, dated,

CAMP, TERRE AU BŒUF, July 23, 1809.

SIR: Your duplicate of the 22d ultimo, reached New Orleans by the last mail, on the 19th, and came to my hands on the night of the 20th, at 10 o'clock P. M.; the original has not yet arrived.

The peremptory tenor of your order for the removal of the troops has relieved me from an oppressive load of responsibility, and I have lost not a moment in entering on the execution. Nothing on my part shall be wanting to effect the transition, in the manner the most favorable and least afflicting to the troops; though, as it is impossible to control the effects of the climate, I fear it will be in vain for us to fly from disease in this region with our unseasoned recruits; for it occurs to me, that, when we took possession of the present healthful site at Columbia Springs, near Fort Adams, we had two hundred and forty-six men down at one time, out of about five hundred.

I am undetermined whether to move in a body or by detachment, but shall pursue that course which promises the greatest expedition. I fear delay on the part of the gunboats, because I know from experience the gentlemen of the Navy abhor the idea of converting their vessels of war into transports; and, from the report of Lieutenant

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Carroll, it would appear that twenty-four gunboats, the number on this station, would not carry more than nine hundred and sixty men, little more than half our force. I have, however, a remedy for this difficulty, and if the gunboats are furnished, shall leave behind none but those who are too ill to be removed.

You will discover from my letter, of the 18th ultimo, the causes which opposed our ascent of the river; the employ of the gunboats removes the expense, and the labor of the sailors will save that of the troops, but the tardiness of the movement, and the heat of the sun in dog-days, must endanger our health.

I am so sensible of the necessity of economy, that I tremble at the idea of putting my name to paper for anything; but my obligations to the service leave me no alternative. You shall not, however, have cause of complaint from my administration.

This establishment has cost something; but that cost will bear a comparison with antecedent expenses, and our camp, with the necessary accommodations, is nearly completed; after which we should not have cost the public more than six or eight hundred dollars per month, the year round, for every incidental expense, wood, pasturage, and quarters, included.

Under all circumstances, I must frankly say, that, was my discretion permitted, I should stay here and hazard the consequences; but, as there would be hazard, I am glad of your order to move, not only as it lessens my responsibility, but because the change of place may prove salutary to our men. In all events, you may depend on whatever my judgment, experience, personal exposition, and attention, can effect.

A No. 3.

CAMP, TERRE AU BŒUF, Aug. 19, 1807.

SIR: I have not received the scrip of a pen from you since the 30th of June, but am progressing rapidly in my arrangements for moving the troops, an object near my heart, and which occupies all my attentions.

Our prospects from the gunboats are bad indeed; not one of them has, as yet, been reported to me in readiness to commence the voyage, and the preparation is a difficult one, owing to the general sickness of their crews, and the impracticability of shipping men; but I have ordered certain condemned barges from Fort Adams, which have been lying there since 1807, and are now repairing, and equipping them, at the expense of a few nails and a small quantity of oakum and tar for the voyage. To these I shall add, if the gunboats fail me, three or four hired barges to take a full company each. And with this transport, I hope I may, by marching the well, be able to move every man from hence whose health may permit, and that I shall make good my landing at Natchez, or in that vicinity, in twenty days after we get under way. The operation is a laborious one, and somewhat hazardous; but you may rest assured that whatever zeal, activity, and

attention, can accomplish, shall be done on my part.

Our sick have increased considerably; but our maladies are confined almost universally to the fever and ague. Nearly all the officers have had it, but we have not lost one, nor do I expect we shall.

Among the thousand difficulties I have had to combat, that of the department of provisions is not the least considerable. The clamors of the troops have been loud and just, and I have not been able to remedy their complaints. I have offered as high as a hundred dollars for a small cow, without effect; and the flour, generally, in New Orleans, from some unknown cause, has this season been affected by the climate immediately after landing. But, in consequence of the utter failure of the contractor to furnish bread or flour to the troops, for two or three days successively, I yesterday ordered a purchase, on any terms, of one hundred barrels, which arrived this morning, but has been refused by the contractor's agent, who got down a few barrels the last night, and, of consequence, I am compelled to order the issue to be made by the brigade quartermaster, for account of the contractor, which adds to my pains and perplexities.

Were the contractor here, from my knowledge of his character, I know these difficulties would not occur; but unfortunately his business is confided to a young man without knowledge or experience, and apparently of an obstinate, perverse disposition. I wish, indeed, that he may not oblige me to take the whole business out of his hands, and appoint a commissary to purchase and supply; but in the last extremity only shall I resort to this step.

The inhabitants of this whole country are now down with the prevailing disease of the camp—a thing which, according to them, has never before occurred; and the town is afflicted by bilious affections.

I am alarmed for our medical and hospital expenses; but I do not understand that a particle of either has yet arrived for the new levies, and, of course, I have no alternative but to submit to the requisitions of the surgeons; we shall not, however, press your appropriations for this department, although the consumption of five or six hundred sick must be considerable.

With perfect respect, &c.

JAMES WILKINSON.

Hon. W. EUSTIS, Sec. of War.

1.

CITY OF WASHINGTON,
Pay Office, April 10, 1810.

SIR: In compliance with the requisition which you have communicated to me, as made to you by the committee of Congress, "whether the paymaster of the detachment of the Army of the United States, ordered for the defence of Orleans, had in his hands the funds necessary for the payment of the troops," I have the honor to state that, from the best estimate I could form, the sum of

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\$250,000 appeared sufficient for that object, for the year 1809; and that Lieutenant Simeon Knight, the district paymaster in that quarter, was furnished with \$100,000 in the early part of that year, on his bills in favor of the receiver of public moneys at Orleans; that \$100,000 were remitted him in July last, and received by him before the 7th of August; and he was, moreover, authorized, on the 14th of June last, to draw on me for \$50,000—\$40,000 of which he has since drawn for, which, I presume, he considered as sufficient to pay the troops in his district, to the 21st of December last.

In addition to the foregoing, he has authority to draw for \$60,000, to commence the payment of the troops for the present year.

I have the honor to be, &c.

R. BRENT, *Paymaster, U. S. A.*

Hon. Wm. Eustis, *Sec. of War.*

K.

WAR DEPARTMENT, *April 4, 1810.*

SIR: In addition to the information which I had the honor to communicate, in person, to the committee, relative to the 3d head of inquiry, contained in your letter of the 19th of February, viz: "Whether the detachment, during the encampment at Terre au Bœuf suffered, in any respect, for the want of regular and necessary supplies?" I have the honor to state, that it appears, from the enclosed copy of a letter from the General, dated August 19, 1809, that much dissatisfaction existed in respect to the quality of the provisions furnished by the contractor; that the supply was not at all times regular, and that the difficulty of procuring fresh meat was almost insurmountable.

These representations have been corroborated from other sources of intelligence. By the 2d article of the contract for supplying provisions to the troops, it is provided: "That it shall be in the option of the general, or officer commanding an army or a great military district, to direct when, and how often, fresh or salted meat shall be issued, by general orders, to be promulgated a reasonable time before that issue is to commence."

By the 4th article, "whenever, in the opinion of the commanding officer, the provisions offered to be issued are unsound, unfit for use, or of an unmerchantable quality, a survey shall be held thereon by two disinterested persons, one to be chosen by the commanding officer, and the other by the contractor, or his agent; and, in case of disagreement, a third person to be chosen by mutual consent, who shall have power to condemn such part of the provisions as to them may appear unfit for use." If the contractor or his agent fail or neglect to appoint a person to inspect the provisions, after reasonable notice in writing, the commanding officer may appoint such persons as he may think proper.

The 5th article authorizes the commanding general, "in case of absolute failure or deficiency in the quantity of provisions, contracted to be delivered and issued," to supply the deficiency by purchase, at the risk of the contractor. The

power conferred by the last article was, in one instance, exercised; that those granted by the 4th and 5th articles were not exercised, can be accounted for by this department, on the presumption only, that, in the opinion of the General, the country could not furnish the supplies.

Complaints have also been made of a want of medicine and hospital stores. It appears from the enclosed extract of a letter from Mr. Linnard, military agent at Philadelphia, of the 31st ultimo, that a stock of medical and hospital stores, for two thousand men, for three months, which were ordered for New Orleans by this department, in December, 1808, arrived at their place of destination on the 5th of April following, (at this period the whole of the additional force had not reached that place;) and that the brig North Star, which transported the clothing and the annual supply of medicine and hospital stores, for the new troops on that station, arrived on or about the 22d of August last.

In addition to these supplies it appears, from the accounts of the military agent at New Orleans, rendered to the accountant of this department, that, between the months of March, 1809, and January, 1810, medical and hospital stores, and other articles for the use of the sick, were purchased, and paid for to the amount of \$11,800. When to this it is added, that the agent was at all times subject to the order of the commanding officer, and bound to comply with his requisitions for all articles necessary, in his opinion, for the health and accommodation of the troops, the causes of any alleged deficiencies are inexplicable by this department.

With perfect consideration, &c.

W. EUSTIS.

Hon. THO. NEWTON, *Chairman, &c.*

L No. 1.

WAR DEPARTMENT, *Dec. 23, 1808.*

SIR: On account of the troops it will be proper for you to procure, and deliver, on the orders of the commanding officer, such articles as he may deem necessary for the public service.

You will, at all times, charge all articles so delivered to the proper head of expenditure; and to prevent any mistakes in your accounts, when the orders to you are not so explicit as to enable you to decide under what head the article should be charged, you will request the commanding officer to give you such information as the case may require. You will advance no money except for articles actually received, or for services performed. The expenditures should be as economical as the good of the service will permit. No articles will, I trust, be required of you but such as the nature and good of the service actually demand; such as workmen, and materials for fortifications for quarters; transportation and other articles for barracks or camp, will be sent from this quarter to your care, as well as cannon and ammunition. I am, &c.

H. DEARBORN.

A. D. ABRAHAMS, *New Orleans.*

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L No. 2.

WAR DEPARTMENT, May 4, 1809.

SIR: A. D. Abrahams, Esq. military agent for the Southern department, being solicitous to relinquish that office, the President of the United States has appointed you to succeed him; and, should the Senate, at their next session, advise and consent to said appointment, you will be commissioned accordingly.

Your office, as military agent, is considered as a substitute for what has generally been called a deputy quartermaster general; and your department includes all the military posts within the Territory of Orleans, and in that part of the Mississippi Territory lying south of the 22d degree of north latitude, including all those on the Mobile and its waters.

Before you enter on the duties of your agency, you will execute the enclosed bond, with two or more sufficient securities, and will take and subscribe the oath of office, and the oath prescribed by the act, entitled "An act fixing the Military Peace Establishment." As soon as the bond is duly executed, you will forward it, with the oaths, to this department.

You will consider the assistant military agents, and the quartermasters, whether brigade or regimental, within your department, as under your direction; you will furnish them with funds, for which they will be accountable to you. They will correspond with, and make regular returns to you of all articles received by them, with proper vouchers for all deliveries and expenditures. They are not to make any purchases or expenditures, excepting what shall be absolutely necessary, without your particular direction.

You will receive herewith a copy of the rules and articles of war for your government; and of the regulations of this department; to which, as far as they regard your duties, and are not inconsistent with these instructions, you will, in all respects, conform.

You will, with promptness, and in the most safe and economical manner, cause all military, medical, and hospital stores, and all goods for Indians, which you may receive for transportation, to be forwarded to their respective destinations.

You will procure, and deliver, on the order of the commanding officer in your department, such articles as he may deem necessary for the public service. You will, at all times, charge all articles so delivered to the proper head of expenditures; and to prevent any mistakes in your accounts, when the orders to you are not so explicit as to enable you to decide under what head the articles should be charged, you will request the commanding officer to give you such explanation as the case may require. You will advance no money except as before directed, or for articles actually received, or for services performed. The expenditures should be as economical as the good of the service will permit. No article, it is presumed, will be required of you, but such as the nature and good of the service actually demand.

Should it happen, however, at any time, that demands are made upon you to a large amount, the propriety of complying with which you may doubt, and where delay may not, in your judgment, prove injurious to the public interest, you are to consult this Department.

If Mr. Cox, the Purveyor of Public Supplies, shall request you to purchase any articles which may be procured in your vicinity, at less expense than at Philadelphia, you will please to make such purchases, he furnishing you with the money.

In addition to the duties of military agent, you will procure such materials, and hire such laborers and mechanics, as may be required of you by the engineer, for erecting, completing, and repairing such works as have, or may be ordered for the defence and protection of New Orleans and its vicinity. Your accounts, for expenditures under this head, you will keep in conformity with the enclosed instruction from the accountant of this department.

You will be allowed one clerk for your office of military agent, at the rate of \$750 per annum.

For your services, as agent for fortifications, you will receive a reasonable commission on the moneys necessarily expended in the performance of its duties.

You will, from time to time, seasonably transmit to this department estimates of the moneys that may be required to meet the expenditures in your agencies; on the receipt of which the requisite funds will be ordered to your credit in the office of discount and deposit at New Orleans.

Should you accept of the military agency for the Southern department, you will please to proceed to New Orleans without delay, and there take upon yourself the duties of your appointment. Major Pike, the acting military agent, is instructed, by the enclosed letter, to deliver to you all the public papers, documents, and property, in his possession, and to pay over to you the balance of public moneys remaining in his hands, which you will please to receive, giving him your duplicate receipts for the same. I am, &c

W. EUSTIS.

A. McCULLOCH, Esq.

L No. 3.

WAR DEPARTMENT, April 16, 1810.

SIR: In compliance with your request, made this morning, I have the honor herewith to transmit No. 1, a copy of the instructions given to Mr. A. D. Abrahams, military agent at New Orleans, dated December 12, 1808.

On the resignation of Mr. Abrahams, Mr. Andrew McCulloch was appointed to succeed him, under instructions, a copy of which, No. 2, is herewith enclosed, bearing date May 4, 1809. Mr. McCulloch died in a few days after his arrival, on which Major Zebulon M. Pike, of the 6th regiment, was appointed by General Wilkinson as successor to Mr. McCulloch, and continued to discharge the duties of that office, under the instructions given to Mr. McCulloch, until after

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the removal of the troops from the encampment at Terre au Bœuf.

Representation being made by the accountant of this department, that many articles in the accounts rendered by Mr. A. D. Abrahams, the military agent, were charged at extravagant prices, the necessity of some of which did not appear, and the prices of others being exorbitant, the military agent was informed, on the 10th of August last, that he was not authorized to comply with such requisitions in future. This is the only limitation of the instructions before mentioned, which has been made by this department.

It appears, from the instructions to Mr. McCulloch, that he was required to render, from time to time, to this department, estimates of the probable expenditures in his agency; on the receipt of which, moneys were to be ordered to his credit in the office of discount and deposit at New Orleans. In practice, this arrangement was found inconvenient, and not calculated to meet occurring emergencies. The military agent therefore continued to draw bills on this department, which were regularly paid on being presented.

The enclosed statement will exhibit their amount for the year 1809.

I have the honor to be, &c.

W. EUSTIS.

Hon. Tho. Newton, *Chairman &c.*

L No. 4.

WAR DEPARTMENT,

Accountant's Office, April 16, 1810.

Amount of disbursements in the quartermaster's, and medical and hospital departments, made by A. D. Abrahams, military agent, on account of that part of the Army stationed at Orleans and in its vicinity, between the 1st of January and the 20th of July, 1809, including payments made for the charter of a part of the vessels employed to transport the troops to that place - - - - \$55,188 43

Estimate of disbursements, made by Major Pike, on same account, from the 21st July, to 31st of December, 1809 - - - - 27,474 73

\$82,663 16

NOTE.—The above sums embrace no part of the expenditures made on account of the fortifications erecting at Orleans.

WM. SIMMONS.

L No. 5.

Amount of disbursements made by A. D. Abrahams, Military Agent at New Orleans, in the medical and hospital department, between the 1st of April and 22d of July, 1809.

In April, for 135 dollars and 68 cents' worth of medicine; for 14 bed sacks, at six dollars each; 7 pair of blankets, at 5 dollars each; 2 water buckets, at 5 dollars each; 22 pair of sheets, at 5½ dollars each; and other articles; amounting together to - - - - \$517 93

In May, for 60 sheets, at 6 dollars each; 95 musquito bars, at 4½ and 7 dollars each; a bathing tub, at 12 dollars; 16 dozen fowls, at 7½ dollars per dozen; 44 dozen eggs, at 31½ cents per dozen; a pigeon, at 2 dollars; and sundry small articles; amounting together to - - -

1,425 24

And also 20 bunks at \$3½ each.

In June, for 6 barrels of Indian meal, at 3½ dollars each; 21 lbs. tea, at 1½ dollars each; 1 dozen towels, 15 dollars; 4 foot mats, at 3 dollars and 50 cents each; 2 dozen port wine, at 12 dollars each; 3 dozen porter, at 4½ dollars each; 5 gallons Madeira wine, 5 dollars each; 30 gallons Sherry wine, at 2 and 2½ dollars each; 11 dozen fowls, at 7½ dollars each; 66 dozen eggs, at 31½ cents; 32 gallons milk, at 56 cents each; molasses, vinegar, sugar, coffee, and sundry small articles, washing for the hospital, &c. amounting together to - - - -

665 23

In July, for services of a nurse; for washing; for 9 dozen porter, at 5 dollars; 14 dozen fowls, at 7 dollars per dozen; 60 dozen eggs, at 37½ cents; 60 gallons milk, at 56 cents; molasses, sugar, rice, butter, coffee, glauber salts, a large syringe, jalap, antimonial wine, and sundry small articles; amounting together to -

579 52

\$3,087 92

L No. 6.

Abstract of disbursements made by Major Z. M. Pike, acting Military Agent, in the Medical and Hospital Department, between — September and 21st December, 1809.

Payments made to the 30th of September, 1809 for 1,136 dollars and 41 cents worth of medicine, purchased between the 1st of April and 30th of September, 1809; for 605 lbs. of mutton, purchased in July and August, 1809, at 18½ cts. per lb.; for washing in September; for 100 lbs. mutton in September; for vegetables, sugar, milk, salt, coffee, hay, and other small articles in September, amounting together to - - - - \$1,497 82

Payments in October, for 1,000 dollars worth of medicine, furnished in July, August, and September; for sheep, at four dollars; for calves, at nine dollars; for wood, vegetables, every kind of groceries, milk, egg, fowls, meat, butter, lard, crackers, hay, and a great variety of small articles, between July and the 31st of October, 1809, corresponding in price with the purchases of Mr. Abrahams, and amounting to -

4,535 71

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Payments in November, for 138 dollars' worth of medicine; for washing; for meat, vegetables, and groceries of all kinds, amounting together to - - - - -	964 98
Payments in December, for services of nurses and attendants; for 105 dollars and 95 cents worth of medicine; and for a variety of groceries, amounting together to - - - - -	722 60
	\$8,721 11

L No. 7.

Item of articles, with their prices, which appeared objectionable in the account of the Military Agent at New Orleans.

May—16 dozen fowls, seven dollars and 50 cents per dozen - - - - -	\$120 00
44 dozen eggs, 31½ cents per dozen - - - - -	13 75
June—1 dozen towels - - - - -	15 00
4 foot mats, 3 dollars and 50 cents each - - - - -	14 00
2 dozen port wine, 12 dollars per dozen - - - - -	24 00
3 do. porter, 4 dollars and 50 cents per dozen - - - - -	13 50
5 gallons Madeira wine, 5 dollars per gallon - - - - -	25 00
11 dozen fowls, 7 dollars and 50 cents per dozen - - - - -	82 10
66 dozen eggs, 31½ cents per dozen - - - - -	20 62½
July—9 dozen porter, 5 dollars per dozen - - - - -	45 00
14 dozen fowls, 7 dollars per dozen - - - - -	98 00
60 do. eggs, 37½ cents per dozen - - - - -	22 50

M No. 1.

Extract of a letter from William Linnard, Esquire, Military Agent, to the Secretary of War, dated

PHILADELPHIA, *March 31, 1810.*

SIR: "Your favor of the 28th inst. has been received. In answer to your inquiries, I have the honor to state, that the medicine and hospital stores, shipped on board the schooner Hillman, were those ordered on the 26th of December, 1808; three months' stock for 2,000 men. The schooner sailed from Philadelphia, the 7th of January, 1809. The day she sailed, the frost set in extremely severe, and so much ice was made in the course of the night, the captain was obliged to make a harbor, where she remained all winter; she sailed again on the 6th of March, and arrived at New Orleans the 5th of April, and delivered the stores the 7th and 8th.

"The brig North Star sailed from Philadelphia the 6th of July, 1809, had a long passage, arrived at New Orleans about the 22d of August, and delivered the stores in three days after her arrival. Anxious to send the goods by this vessel, the only one in port destined for that place, I detained her six days waiting for the clothing; the last was put on board the day she sailed."

M. No. 2.

WAR DEPARTMENT, *April 10, 1810.*

SIR: In reply to the inquiry of the committee, "whether the paymaster of that detachment of

the Army of the United States, ordered for the defence of New Orleans, had in his hands the funds necessary for the payment of the troops?" I beg leave to refer them to the enclosed statement of this date, from the paymaster of the Army.

In answer to your other inquiry of the 9th instant, I have the honor to state, for the information of the committee, that the brig North Star, which transported the clothing for that detachment, appears (from the extract of Mr. Linnard's letter now before the committee, to have sailed from Philadelphia on the 6th of July, 1809, and to have arrived at New Orleans, on or about the 22d of August following, which was within twelve months of the time that the men of that detachment had generally received their clothing for the preceding year.

With perfect consideration, I am, sir, your obedient servant,

W. EUSTIS.

Hon. T. NEWTON, *Chairman, &c.*

Depositions.**No. 1.**

Esaias Preble's deposition, March 16, 1810.

Esaias Preble, of the United States' regiment of artillery, deposes, that, about the last of April, 1809, a detachment of the United States' troops, under the command of Captain Peter, attached to different regiments, descended the river Mississippi for New Orleans; they halted at Fort Adams, at which place I was stationed: at that time they appeared to be young, able for any duty, and well clothed. A number of smaller detachments afterward passed down said river in a similar situation.

About the middle of October following, that part of the additional army that had been stationed in the neighborhood of New Orleans, halted at Fort Adams, on their way up the river for Washington, Mississippi Territory, under the command of Lieutenant Colonel Beall. After being encamped two or more days on the bank of the river, a party, consisting of one hundred and twenty non-commissioned officers and privates, from the regiment of light artillery, light dragoons, 3d, 5th, and 7th regiments of infantry, and regiment of riflemen, was sent into Fort Adams and buildings attached to the fort. On, or about the 23d of October, 1809, I was directed by the commanding officer of the post, to take charge of said troops, and report their situation. I applied to Doctor Thruston, the surgeon of the 7th infantry, in whose charge they were left, and the only officer left with them, for a list of said men. I then made an examination, and found seventeen had died; the residue, except twenty, were very sick; eight or ten were in an open room in which they could have no fire, some of them no blanket, and almost naked; and all, with one or two exceptions, extremely dirty. The last of November following, fourteen more of the said troops were left sick at Fort Adams, which, together with those left in October, amounted to

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one hundred and thirty-four, from which sixty-eight died at said fort.

During the last three years, there have been moored at Fort Adams, from eight to eighteen boats, that would carry, on an average, thirty men, public property, under the direction of the commanding officer of the post. In August, 1809, eight or ten of said boats were dispatched to New Orleans, one of which sunk on its passage. During the last year, from the company stationed at Fort Adams, not more than five men died: from seven companies of the 2d regiment of infantry stationed at Columbian Springs, not more than eight men died the last year.

In the vicinity of Fort Adams and Columbian Springs, beef, poultry, butter, eggs, and vegetables, such as the country produces, may be obtained at any season of the year. During my residence in the Army, clothing for the troops has been forwarded to the commanding officers of the companies six months in advance, and issued to the troops in the same manner. The clothing for the companies at Fort Adams and Columbian Springs arrived at the said fort by the way of New Orleans, in July, 1809.

E. PREBLE.

March 16, 1810, sworn to before me,
S. H. SMITH.

No. 2.

Deposition of William D. Beall, Lieutenant Colonel of the 5th infantry of the Army of the United States, taken by the committee of the House of Representatives of the United States, appointed to inquire into the cause or causes of the great mortality in that detachment of the Army of the United States ordered for the defence of New Orleans.

I arrived at Camp, Terre au Bœuf, 12 or 15 miles below New Orleans, on the river Mississippi, on the 12th of June, 1809.

The troops were regularly encamped in tents, in two lines, covering ground about 800 yards in length, and 75 in depth, (the depth of the encampment was about 175 yards.) The tents, after a while, were raised and floored with plank taken from the Kentucky boats which were used to transport the army from Orleans. The ground was low, as is the case of all in the vicinity of New Orleans, and particularly after rain, wet, and a part being cleared of the bushes, weeds, &c. by the troops, was muddy, and the back part, during the wet season, a little marshy. To remedy the disadvantage of such ground, ditches were cut in every direction; indeed, every precaution was taken to render the camp comfortable; the General seeming to have an eye to every circumstance, being absent from the camp not more than six or eight days from the 12th of June to 10th of September following. Little arbors, covered with palmetto, were erected at the necessary distance from each other, on the line of sentinels, that each man, in his place, might be screened from the piercing rays of the sun, and sheltered from the rain; and these arbors were also erected from right to left of the line between the

front and rear, that the men might sit and mess in comfort and cleanliness. A ditch was dug parallel with the encampment, in the rear, to afford a dry walk to the sentinels, and on which to erect the before-mentioned arbors.

I do not think half the ground used for the camp was cleared by the troops; this must have been an advantage to the proprietor, but I rather apprehend the ditches were a disadvantage.

A tolerable large hospital was erected of materials partly from the boats before mentioned, and partly from the neighboring woods, into which the most reduced men were put, under the care of a very attentive and experienced surgeon: some of the sick, as occasion required, were sent to the hospital at Orleans; the vessel containing medicine and hospital stores not arriving until August, as the want of these articles occurred, the General directed them to be procured at Orleans, as also poultry, to be given to the men most in need, at the discretion of the surgeons, but the supply of this last article was not regular. A captain of the line, (Captain Dale,) of medical profession, was ordered to procure medicine, and take upon himself the usual duties of a surgeon.

Strict attention to the sick, and their accommodation, was enjoined on the officers; care taken to separate those ill from the duty men, and a police officer daily appointed to scrutinize into the regularity of the camp, and the quality of the provision, and to report every defect, neglect, or impropriety.

Provisions of flour, or bread, and pork, were regularly supplied, and, after a little time, beef; and when these were bad, remonstrances, protests, and condemnation were resorted to; and, in one instance, a purchase of 100 barrels of flour was made by the General. Flour, in the Southern country, is apt to sour, and, at a certain season, it is difficult to get good.

On the 4th of July, a general review was made, and the troops fired and performed some evolutions tolerably well; after this, symptoms of mutiny were manifested, not by an assembling of men, but a secret preparing for such an event, and a threat, which was overheard by some of the more orderly men, reported. There appeared much dissatisfaction among many of the men, and some officers, proceeding, as I supposed, from the encampment. An expectation that this army would be discharged by the extra session of Congress, being disappointed, I presume, served to heighten discontent.

There being no regular established armory or armorers, some of the arms were useless for want of repair; these, together with those of the sick and dead men, were delivered to the brigade quartermaster, except some instances where the officers chose to pack them themselves, were packed in boxes, and either transported with the troops, or deposited in New Orleans.

The boats employed in conveying the troops and baggage up the river were four gunboats, carrying about forty men each, four keel boats, borrowed of the inhabitants of New Orleans, and

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nine out of eleven brought down from Fort Adams, and repaired by the troops; one quartermaster's boat, and one contractor's, attending the movement.

Previous to the embarkation, three companies, of the 6th infantry, under the command of Major Pike, were ordered to the garrison of Orleans, and between the 1st and 12th of September, the army embarked, and, making some delay nearly opposite the city, owing, I think, very probably, to a defect in one of the artillery boats, proceeded, on the 23d, up the river, under the command of Major Backus, of the light dragoons. I had been taken sick about the 5th of September, and was moved up to Orleans the 10th, and, recovering sufficient strength, followed the army, and reached the troops about fifty miles up the river, and, after two or three days, took command, the General being ill in Orleans. Every preparation for this movement was made, which the General could command, or thought sufficient, and yet the sufferings were such as would excite pity in the most callous heart. The men, unable to bear fatigue, had been left at Orleans; those able, were marched on the river bank, while the boats, with the weaker part, managed by able men, under the direction of officers, ascended from eight to fifteen miles a day, as the wind and current would permit, to the best ground to be found for the accommodation of a camp. Sickness and deaths increasing as we progressed, a consultation of the surgeons and officers was held: the surgeons declared it useless to administer medicine in the unsettled state of the troops, and the officers urging all reasonable haste to a place of rest, where the skill of the physician, and effect of the medicine, might have a fair trial. Under these impressions, two hospitals were established, one at Point Coupee, and one at Fort Adams, where the weakest of the men were left, under the care of surgeons, guards, and attendants, with medicines, and hospital stores, and provisions. The loss of men in the time of this movement, (from the 1st to the 12th September, to the 31st of October,) including the two hospitals, was near three hundred deaths, and some desertions.

As the boats arrived at Natchez, carriages were procured to move the sick and baggage to the intended cantonment, near the town of Washington, and now, the men a little rested from their late unexampled fatigue, began to clean their arms, rendered rusty from the unavoidable neglect of them while on the march, and the necessary tools being provided, the effective men, joined by those most able of the convalescents, under the superintendence of their officers, began to erect huts on the ground chosen by the General, a place healthy, elegant, and convenient to springs of fine water.

My knowledge of the country about Orleans is very limited, but I am of opinion the ground at Terre au Bœuf was as eligible for a camp as any in the vicinity of the city. Of the propriety of continuing in the vicinity of Orleans for defence, it does not become me to speak, not having the information which suggested the measure.

I doubt not the low situation of the ground about Orleans contributed to the mortality of the troops, but it is not improbable but the higher ground would have proved fatal too; for it is a remark, very generally received, that Northern constitutions undergo sickness, more or less, when subject to a fixed residence in a climate so Southern; and to this may be added, an almost universal acknowledgment, that the year 1809 was much more sickly than any for many years.

When I left the army at Washington, about the 27th of November, I thought the men were recovering in a good degree.

The clothing was delivered out to the officers commanding companies, on our arrival at Washington, and, in necessary cases, the men were supplied, but generally, I think, it was judged best to retain it till the dirty and fatiguing job of building was accomplished.

I conjectured, from some expressions in one of the General's letters to the Secretary of War, that an order for removing the camp had been given; but where to I did not understand.

WASHINGTON COUNTY, ss:

Be it remembered, that, on this 21st day of March, 1810, before the subscriber, a justice of the peace for said county, appeared William D. Beall, and made oath, in due form of law, that the above and foregoing facts, as stated, are just and true, to the best of his knowledge.

DANIEL RAPINE.

No. 3.

Deposition of Doctor Alexander Macauley, March 21, 1810.

In respect to the local situation of the camp at Terre au Bœuf, I believe it to be more healthy than the city of New Orleans, as I knew several officers and soldiers, who came from camp to town, get sick after being a short time in the latter. I have also been told by a respectable inhabitant of that neighborhood, that Terre au Bœuf was reported the most healthy country in the vicinity of New Orleans. In regard to the mortality of the troops, it may be observed, that new soldiers are apt to sicken, when first embodied, although in much healthier situations; that a large portion of the troops were sick before the army moved from New Orleans; that many of those who are enlisted are of debauched habits, and weakened constitutions, and that such constitutions are little able to resist the violent attacks of the diseases on the Lower Mississippi, where the most robust habits so frequently sink; also, that the mortality amongst the citizens was very great; and I have been informed by those who had resided in that country for ten years, that they had never before witnessed such a fatal season. The General had issued orders authorizing Doctors Spencer and Claude to make requisitions on the military agent for proper accommodations and necessities for the sick, under which orders, the sick in the hospital in New Orleans, where I was, received such articles as could render them comfortable, and conduce to

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their recovery. I was stationed at New Orleans, and only visited the camp occasionally; but from what I have heard of the mortality at camp, I do believe that the army would have lost as many, if not more men, had they remained in New Orleans, and I thought the situation of the camp at Terre au Bœuf as good as I had ever seen in that country; and from what I have heard, I do not suppose a better could have been selected on the territory of the United States, within one hundred and fifty miles of New Orleans. As far as I have been able to observe the conduct of General Wilkinson, I have ever thought him actuated by a zeal for the welfare of the army, and promotion of the public service; and I have frequently witnessed his humanity and attention to sick officers, in having them removed to his own quarters until they were out of danger.

I certify that the foregoing statement is correct, according to the best of my knowledge and belief.
A. MACAULEY.

Deposition of Doctor Alexander Macauley, March 22, 1810.

In addition to my deposition of yesterday, I must state, that considerable supplies of medicines and hospital stores were purchased at New Orleans, from time to time, as well for the use of the sick in the city, as for those at camp at Terre au Bœuf; and never, to my knowledge, did any difficulty exist as to procuring them. Also, that a considerable supply of hospital stores and medicines arrived from the United States (I think) in the month of August, and that Doctors Spencer and Claude divided them: according to the best of my recollection, Doctor Claude took four-fifths for the use of the troops who ascended the river, and Doctor Spencer the other fifth, for the use of the troops at New Orleans, and in the general hospital at that place. The supply consisted of several large pipes and casks (or hogsheads) of wine, brandy, molasses, &c., and boxes, &c., of medicine. This division took place about the time of the removal of the troops from the camp below New Orleans, and the medicines, stores, &c., alluded to above, were embarked on board of the boats which ascended by or from New Orleans. The facts above are true, according to the best of my memory and belief.

A. MACAULEY.

WASHINGTON CITY, March 22d, 1810.

Sworn to before me, this 22d day of March, 1810.
W. THORNTON.

No. 4.

Deposition of Major Electus Backus, of the Army of the United States, taken by the committee appointed by the House of Representatives of the United States to inquire into the cause or causes of the great mortality in that detachment of the Army of the United States ordered for the defence of New Orleans.

I arrived in New Orleans about the tenth of May, 1809, at which place I found that General

Wilkinson, and most of the troops destined to that station, had arrived.

In the beginning of the month of June, the troops were ordered to leave New Orleans, and to proceed down the river to Terre au Bœuf, where they were directed to encamp. At this time the waters of the Mississippi were so high that at many places it was overflowing the levee, which rendered the ground of our encampment wet and muddy; and was so surrounded with marshes and swamps, as to render it an ineligible place for an encampment. The duty and labor required to put the place in order was too great to be endured in so hot a climate.

The lands on which the troops encamped belonged to Mr. Lasuse, to whom the Brigade Quartermaster informed me he had paid several hundred dollars, after the removal of the army, for the use of the lands, house rent, pasturage, and firewood; and that no allowance was made for any improvements made on the lands by the army, and that he had sold the buildings erected on the place for the benefit of the United States.

In the month of July, General Wilkinson became alarmed at some improper expressions dropping from some of the soldiers, which, on examination, appeared to have been uttered from a belief that the sickness and deaths the army had experienced was to be attributed to the local position of the camp, and to the unremitted fatigues and hardships they were compelled to endure.

The police of the camp was well attended to, and great exertions made use of to keep it clean, until the sickness of the soldiers became so general as to render it impracticable.

The provisions were such, in particular the flour, that medical men declared it sufficient to injure the health of, and destroy the soldier, independent of any other cause.

The soldiers were from four to six months without their pay, (which they are entitled to every two months.) This put it out of their power to purchase fowls or vegetables, which would have contributed much to their comfort, particularly when sickly. The reasons assigned for their not being paid were various; one of which was, that the paymaster of the district did not consider it his duty to go from New Orleans to pay the troops, and there being no paymasters to many of the regiments, payments could not be made; and one cause assigned by General Wilkinson was, that if the men were paid off before they ascended the river, many would desert.

The want of clothing was so great that many of the soldiers were almost naked; this was owing to the new clothing not arriving until a short time before the army moved up the river, and was not delivered to the company officers until after they had arrived at Washington, Mississippi Territory. Medicines and medical men some of the regiments were at times destitute of, in consequence of which many of the soldiers perished without having received but little, if any, medical assistance.

When the troops took the field in the month

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of June, they were well provided with tents, but the frequent rains to which they were exposed soon rendered them but a miserable shelter either against the effects of the rain or sun. A few of the most dangerous cases of the sick were at first put in tents pitched in the rear of their respective regiments, but before we left the encampment, the increase of sickness was so great that it was impossible (situated as we were) to separate the sick from the well, and they were to be found, more or less, in every tent in the line.

In consequence of the sickness and deaths of the soldiers, the arms and accoutrements belonging to them were much injured, and in some instances lost, owing to there being no place in which they could be sheltered from the weather.

Shelters were erected to cover the sentinels from the rays of the sun and frequent showers of rain, but were not completed until the month of August, prior to which time the soldiers suffered much for the want of them. About the first of September, orders were issued for the troops to prepare to embark on board of boats and other craft for Natchez, in the Mississippi Territory. The public boats were collected from different quarters and repaired, some of which, proving unfit for service, were turned in, and private boats taken, which the owners were glad of an opportunity of getting conveyed to Natchez free of charges, and others might have been obtained on the same terms. Nothing could have exceeded the joy expressed by the soldiers on this occasion: it seemed for a time to relieve the drooping spirits of those who were, to appearance, past all hopes of recovery.

At the time the troops commenced their march, General Wilkinson became so indisposed that he could not proceed with them, and remained at New Orleans. I being the only field officer with the troops, the command of them devolved upon me; in which command I continued until the army arrived nearly opposite West Florida. Between the 20th and 31st of October, the troops arrived at Natchez, leaving upwards of one hundred of their sick at Point Coupee, and many others at Fort Adams, at both of which places the greater part died. After the army arrived at their place of destination, the weather became cool, and those that were in a low state of health died, and the remainder became convalescent.

The troops were much relieved at this place by a plentiful market, both in fresh provisions and vegetables, which sold one hundred per cent. cheaper than in New Orleans, or its Territory.

The inhabitants of Washington and its vicinity received the army with much affection, and treated them with more attention and friendship than they had hitherto experienced on that Southern station. The complaints of the officers did not differ from that of the men, except the scurvy.

A supply of fresh provisions and vegetables were not to be procured in the neighborhood of the camp at Terre au Bœuf, or not short of the New Orleans market.

Question. Could boats have been procured at

New Orleans sufficient to convey the troops to Fort Adams or Natchez at any time between the 14th of June and the 10th of September?

Answer. I think they could.

Q. What was the quality of the provisions, particularly the flour, with which the Army were supplied during the encampment at Terre au Bœuf?

A. Bad, generally, particularly the flour, which was frequently sour, mouldy, in lumps, and sometimes full of bugs and worms.

Q. Was the Army in a sickly state at the time of removal from New Orleans to Terre au Bœuf, and were the sick removed?

A. There was some sickness. Those who were most ill were left in the hospital at New Orleans.

Q. Do you believe that at the time the troops were using the bad provisions a sufficient supply of good and wholesome provisions could have been procured at New Orleans?

A. I believe they could. The General did procure one hundred barrels of good flour for the Army.

Q. What proportion of the Army were generally ordered on fatigue duty?

A. One-half of those in health were generally on fatigue duty. Sometimes it was necessary to take men who were not in health to furnish the details of guard duty.

Q. At what time did the fatigue duty cease?

A. Not until the latter part of August.

Q. What kind of labor were the last fatigue parties engaged in?

A. Building guard-houses, shelters for the sentries, and clearing the ground.

Q. During how long a period were the men obliged to sleep on the ground?

A. Many of them from three to four weeks; during which time, there being no straw, they had but a single blanket and such palmetto leaves as they could collect to keep them from the damp ground, after which the tents were generally floored with boards from the boats which had conveyed the troops from New Orleans.

Q. At what time was it first known in the camp that orders had been received for the removal of the Army?

A. Sometime in the month of August.

Q. What other inconveniences besides those specified in the deposition were experienced in the encampment at Terre au Bœuf?

A. The troops experienced great annoyance from the innumerable quantity of mosquitoes, which were particularly afflicting to the sick. They suffered also very much from the continual rains.

Q. Were you not informed by the Paymaster that he had sufficient funds in his hands to pay off the men?

A. I was informed by Mr. Knight that he had the funds, and that, if the men would stop opposite New Orleans on their way up the river, he would pay them off.

Q. Did you not halt opposite New Orleans, and make application for that purpose?

A. The troops halted there three days, and I

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spoke to General Wilkinson on the subject: he replied that the men could not be paid, as, if they were paid off, they would desert.

Q. Was there an acting military agent at New Orleans at the time the troops were there on their way up the river?

A. I believe the Brigade Quartermaster did that duty.

Q. Were you provided with funds to defray incidental expenses in conveying the troops up to Natchez?

A. We were not. General Wilkinson directed me to take the Army up the river, informing me, at the same time, that there was not a dollar in the Quartermaster's Department to defray any extra expenses; that I must take them as they were. On our arrival at Point Coupee an hospital was formed, and about one hundred of the sick left there. There being no necessary supplies to leave with them, a subscription was made by the officers, and upwards of one hundred dollars raised and left with the surgeon, for the purpose of supplying the sick with those articles of which they stood in need, such as fowls, vegetables, &c.

Q. Did General Wilkinson consult any of his officers in selecting Terre au Bœuf as the place of encampment?

A. Colonel Smith and some other officers went down with General Wilkinson to see Terre au Bœuf, but I cannot say how far he consulted them.

Q. Was there dissatisfaction among the officers and men at Terre au Bœuf, and from what cause did it arise?

A. There was. It appeared to arise from the unhealthiness of the place, the sufferings of the troops, and the badness of the supplies. Many of the officers signed a petition in the month of July to the General, to remove the Army, which was withheld in consequence of his disapproving of it, and declaring he would not remove the troops until he received orders so to do.

Q. When you mention that the last fatigue parties were employed in clearing up the ground, in what manner were they so employed?

A. In smoothing the ground by taking up stumps, and filling up holes and ditches.

Q. What quantity of wood land was cleared by the troops?

A. I should judge that there were between twenty and thirty acres of new land cleared by them.

WASHINGTON COUNTY, ss.

On this 5th day of April, 1810, before the subscriber, a justice of the peace for said county, appeared Electus Backus, and made oath, in due form of law, that the facts stated in the foregoing instrument of writing, which came within his personal knowledge, are true, and those related from the information of others he believes to be true.

Sworn before me,

DANIEL RAPINE.

No. 5.

Examination of Captain George Peter, before the committee appointed "to inquire into the cause or causes of the mortality in that detachment of the Army ordered for the defence of New Orleans," taken April 9, 1810.

Question. At what time did you arrive at New Orleans.

Answer. I think it was between the 26th and 28th of March, 1809, that I arrived there with five companies.

Q. What was the condition of the Army during their stay in New Orleans, both as it respects their health and accommodations?

A. A part of the troops were quartered in the barracks, a part in the faubourg St. Mary, and a part in the city. The number of the sick increased daily during their stay, which I attributed to their intemperance, to the badness of their provisions, and to the want of discipline and subordination.

Q. What was the quality of the provisions with which the troops were supplied?

A. Of the most inferior kinds, of every description: the bread musty, the fresh beef so poor that it was not fit to be issued, and the pork rusty. I have frequently known the troops to throw the pork away. The complaints respecting the provisions were so frequent that I made a representation to General Wilkinson on the subject. He informed me that he would take measures to have better provisions provided; but during my stay I saw little or no improvement.

Q. What appeared to be the most prevalent diseases during the stay of the troops in New Orleans?

A. The dysentery, but not of a very malignant nature, and fevers. Of the corps of light artillery I believe only two men died during their stay in New Orleans.

Q. To what cause or causes did you attribute the want of discipline and subordination to which you have alluded?

A. To the dispersed situation of the troops in the city of New Orleans, and the impossibility of keeping them within proper bounds.

Q. Is it your opinion that, on the arrival of the troops and during their stay at New Orleans, such a disposition of them could have been made as would have been more favorable to discipline and subordination, and without incurring any additional expense?

A. I think a greater number of the troops might have been quartered in the barracks, and the remainder in the faubourg of St. Mary, which would have enabled the officers to have kept their men in better order, but would not have curtailed the expenses much: or, if the troops had been encamped on the plains of the faubourg St. Mary, with proper flooring to their tents, the officers would have had an opportunity of keeping up subordination and discipline, preventing intemperance, and would have saved to the Government a prodigious expense.

Q. Is it your opinion that the encampment of

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the troops, agreeably to your last suggestion, would have been equally, or more eligible, than their encampment at Terre au Bœuf?

A. I think it would have been more eligible. Drier ground might have been selected, having the swamp at a much greater distance; vegetables might have been procured in abundance, also milk and fresh provisions, with hospitals sufficiently commodious for the accommodation of the sick.

Q. What time did you leave New Orleans for Terre au Bœuf?

A. About the first of June an order directing a detachment of the troops consisting of three companies of light artillery, one of dragoons, one of riflemen, one of the third, one of the fifth, and one of the sixth infantry, under the command of Major Pike, was issued. Between the 3d and 5th of June, this detachment fell down to the head of the English Turn, for the purpose of preparing the ground for the accommodation of the corps of light artillery, the regiment of dragoons, regiment of riflemen, the third, fifth, sixth, and seventh regiments of infantry, consisting in the whole of about two thousand men.

Q. In what state did you find the ground intended for the encampment?

A. From the right to the centre the ground was as dry as it is generally below the city of New Orleans; but from the centre to the left it was swampy. The first part had been cleared, but the last was covered with willows and palmettoes.

Q. At what time did the main body arrive at the encampment?

A. Between the 9th and 11th of June.

Q. Was the ground prepared for their encampment when they arrived?

A. A part of the left was not cleared, and but little ditching done. A part of the officers and two or three companies of the men had flooring for their tents, the remainder were pitched upon the ground.

Q. What was the reason that a part of the men had flooring for their tents, and the remainder had not?

A. I recollect but two companies that were so provided, and the plank for those were procured at New Orleans by the officers, in part, at their own expense.

Q. At what time did you leave the camp at Terre au Bœuf?

A. On the morning of the 12th of June.

Q. How long did you serve in the Army of the United States?

A. I entered the Army in 1799, as a lieutenant of infantry; in 1801, was appointed a lieutenant in the second regiment of artillerists and engineers; in 1802, at the organization of the Peace Establishment, arranged to the corps of artillerists as a lieutenant; in 1807, promoted to a captaincy in the same corps; and in 1808, at the request of the Secretary of War, transferred to the regiment of light artillery. I resigned my commission on the 11th June, 1809.

Q. Where have you generally served during the time you have been in the Army?

A. On the seaboard; on the Northern lakes; on the Ohio, Missouri, and at New Orleans, in 1807 and 1809.

COUNTY OF WASHINGTON, to wit:

On the 11th day of April, 1810, Captain George Peter came before me, a justice of the peace for the county aforesaid, and made oath on the Holy Evangelists of Almighty God that the foregoing answers is a correct statement of facts, to the best of his knowledge and belief.

THOMAS CORCORAN.

No. 6.

Deposition of Captain John Darrington, of the United States Army, taken by the committee appointed by the House of Representatives of the United States, to inquire into the causes of the great mortality in that detachment of the Army of the United States ordered for the defence of New Orleans.

I joined the Army in New Orleans about the first of April, 1809, and was never absent from it until February, 1810. Soon after my arrival in New Orleans, I discovered that the number of our sick began rapidly to increase. The prevalent complaint appeared to be the diarrhœa; it attacked indiscriminately both officers and privates; at this time the deaths were but few in proportion to the number sick. The most dangerous among the sick were provided with hospitals, in which they were well attended to. This diarrhœa was ascribed by our physicians to medicinal effects of the waters of the Mississippi.

The last of May we were directed to prepare for leaving New Orleans. On the 3d of June a camp-forming party, consisting of the whole of the light artillery, and the strongest company of the remaining corps, was despatched for Terre au Bœuf. On the 10th of the same month the whole army followed, and on that and the succeeding day arrived at Terre au Bœuf; at this time I conjectured that about one-third of our army were on the sick reports. Although our camp-forming party had used every industry, the ground was not in readiness. The tents were pitched in front in the skirt of an old field. From the centre of our encampment to the right had originally been cleared, but was then mostly overgrown with small trees, weeds, &c.; the ground damp; from the centre to the left still remained in its primitive state, and having never been ditched was yet a marsh. Immediately in the rear was an impassable swamp. The left of the encampment was on the bank of the river, and partly parallel with it, but the river turning nearly at right angles threw the right at a considerable distance. To render this place suitable as soon as possible for the purpose intended, a fatigue of two hundred and twenty men was ordered; this party soon cleared off the trees on the line marked out. When the tents were permanently pitched, the General informed us that, after having employed several days in inspecting the country in the vicinity of New Orleans, he had selected this place as the most eligible for the encampment. Our fatigue party continued

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to clear the land at the distance of one hundred yards in the rear; after which they were employed in digging ditches in the intervals between the regiments, into which ditches were run drains leading from the front of the tents. This labor I conceived indispensable, from motives of self-defence; otherwise, during the rainy seasons a portion of our encampment would have been inundated. The severest duty performed by our fatigue was the digging of a canal in the rear, extending the whole length of the line, on the banks of which canal was thrown up a permanent levee. This labor, to the best of my recollection, was not commenced until the middle of July, and not finished until in August. Had it been the intention of Government (as General Wilkinson suggested as probable) to have made this place a permanent cantonment, the canal, together with its levee, would have been of utility as a safeguard against the ensuing season; but if, on the contrary, the place had been selected for a temporary purpose, I should say this labor was not necessary. The provisions were at no time such as could be esteemed good, and frequently so inferior that nothing but necessity could justify the use of them. On this subject frequent complaints were made to General Wilkinson. At first he attended to them; the provisions were inspected and condemned; it was also said he purchased a hundred barrels of flour; the evil, however, still continued; complaints were again made, but without producing any effect; the General replying, that better provisions could not be had; after this, further complaints were deemed useless. The constant use of damaged provisions was, no doubt, the primitive cause of that horrid and destructive disease termed the scurvy. Our market furnished but a scanty supply of either fresh provisions or vegetables, which sold from a hundred to a hundred and fifty per cent. higher than at our present cantonment, (Washington, Mississippi Territory.) Besides, the men did not derive as much advantage from this scanty and exorbitant market as they might, had they been regularly paid.

Our details were so arranged that one third of the Army were on duty each day. This arrangement continuing, without a diminution in proportion to the increase of sickness, soon brought those reported for duty, on duty every other day, and it not unfrequently happened, that, to supply the details, sick men were furnished. For the first month most of the tents were without floors; and as the Army was not furnished with straw, the bedding of the soldiers consisted in a single blanket. In this situation they were obliged to sleep on the ground, which, during the month of June and the greater part of July, was constantly damp, and in places for a short time inundated by water. If I recollect accurately, from the middle of June to the last of July, there were but few days without rain, and generally several showers in the same day; during this period and for some time after, the sentinels were unprovided with any description of shelter to protect them either against the rain or sun. The sentinels

in the rear of the encampment, until the middle of July, were over their shoes in mud and water, and the fatigue party employed in the same place, in digging the canal, constantly worked in mud and water.

On our first arrival at Terre au Bœuf, General Wilkinson gave directions for the erection of a hospital; but, from what cause I am not able to say, the work progressed slowly, and was not finished until a short time before our movement, and when finished was not capable of holding more than sixty or eighty men. We were generally without hospital stores, and when we had them they were in such small quantities as to be of little service. The number of our sick was so great, that it became impossible for the few physicians we had to attend to them, and it sometimes occurred, that men died without ever having received any description of medical assistance. The physicians complained much of the want of medicines, and also, that from the exposed situation of their patients, the medicines administered frequently proved injurious. The sick and the well lived in the same tents; they generally subsisted on the same provisions; were equally exposed to the constant and incessant torrents of rain, to the scorching heat of the sun, and during the night to the attacks of numberless mosquitoes. They manifested the pains and sufferings they experienced by shrieks and groans, which, during the silence of the night, were distinctly to be heard from one end of the line to the other. It is my candid belief the mosquitoes produced more misery than any other cause. In the night the air was filled with them, and not a man was provided with anything like a bar or net. Thus situated, the sufferings of the unfortunate sick, who were too weak to defend themselves, can perhaps be better imagined than described.

Between the 5th and 10th of July, the officers, impelled by motives of humanity, from the lamentable and distressing situation of the camp, petitioned the General for its removal. I was the bearer of the petition. I met with him on the parade and informed him of my business. At first he appeared to be much astonished; observed that a removal was impossible; that there he had been sent, and there he should remain until ordered away by competent authority. He afterwards made use of a few harsh expressions, such as that the officers were crazy, &c. I did not put into his hands the petition, because I perceived it would have no effect. I then returned, and reported the result. After this all prospect of a removal ceased. In the latter end of July it was rumored that orders had been received from the Secretary of War for our removal, and in the latter end of August these orders were made public. On this occasion the troops manifested the greatest joy; they seemed to have forgotten all that was passed, and became impatient for the arrival of the day on which they were to leave Terre au Bœuf. The first of September, orders were issued to prepare for ascending the river, and between the seventh and eighteenth commenced their ascent by detachments.

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On the 20th the Army was concentrated opposite New Orleans. Here a halt of two days ensued, to repair the boats. A few of the boats were found unfit for the voyage; but their places were immediately supplied by others belonging to citizens, who, it was said, charged nothing, being glad of an opportunity of getting them to Natchez. On the 23d, after sending a few of our sick to New Orleans, a general movement took place; many more of the sick could have been sent, but we were informed the hospitals could not contain them. The men were crowded in such numbers in the boats, as to preclude everything like comfort. In many of the boats were two and three companies. This was an evil which could not be remedied: for, had our boats been multiplied, I do not think we should have been able to manage them. In the boat in which I ascended, were three companies, and it was with difficulty I could ever get more than twelve or fifteen men at the oars. For the first few days after we commenced our ascent, the number of deaths were not more than usual. Afterwards they began to increase, and before we arrived at Point Coupee, it became a first duty at our nightly encampments to bury those who had died during the day, and in the morning to bury those who had died during the night. This last rite consisted in wrapping them in their blankets and covering them with two or three feet of earth. On the 3d of October, we arrived at Point Coupee. At this place the establishment of a hospital was deemed indispensable; there being no public funds, the hospital was erected by the voluntary donations of the officers. At this place upwards of a hundred men were left. On the 17th, the Army reached Fort Adams; here another hospital was established. The last of October they arrived at Natchez, and were immediately removed to their intended encampment. As no arrangement had been made for the procuring of a hospital, the situation of the sick still continued to be miserable; they were crowded together in tents, and lay on the bare ground, exposed to the rain and cold. A small quantity of straw was procured, but not sufficient for the twentieth part. In this situation numbers died daily. The last of November a few of the most dangerous were sent to Washington, where houses had been rented as hospitals. About the middle of December deaths began to decrease, as the greater part of those, who, on their arrival, were much reduced, had died, and the others had become convalescent. On the 18th of December, General Wilkinson was relieved by General Hampton, who adopted the most prompt measures to render the situation of the Army as desirable as possible. The police of the camp, which before had been neglected, and for the want of which the camp had become extremely offensive, was immediately attended to; measures were also taken for the erection of a large and commodious hospital, and also for the payment of the troops. He advanced from his own pocket one month's pay. The troops had from four to six months' due them. Why payment had thus been delayed I cannot say. Had the men been paid on their ar-

rival, it certainly would have been of immense advantage, as the country furnished ample supplies of vegetables and fresh provisions, which sold on reasonable terms. By returns received from the hospitals established on our ascent, it appears that most of the sick left in them died. Another cause of suffering, which I before omitted to mention, was the want of clothing; this was because the new clothing did not arrive till late in August, and was not delivered to the company officers until after their arrival at Washington. It will not perhaps be improper to state, that when we were opposite New Orleans, a paper was presented by a friend of General Wilkinson for the signatures of the officers. From my own impressions at that time, and I believe the impressions of others were similar to my own, I did not hesitate to sign it; the purport of this paper was the approving of the General's conduct. The General was the first military officer in the United States, of long standing, and of course carried with him the confidence of the Government. Besides, he had impressed on our minds a belief, that the misfortunes we had experienced were alone attributable to Government; that he had ever acted in conformity to orders. We could not doubt the words of our General. Many signed it.

JOHN DARRINGTON,
Captain, 3d Infantry.

Interrogatories put to Captain John Darrington, by the Committee, with his answers.

Question. Could boats have been procured at New Orleans sufficient to convey the troops to Fort Adams or Natchez, at any time between the 14th of June and 10th of September?

Answer. I suppose that boats could have been had. There are many boats employed in the river, and I think they might have been procured on reasonable terms.

Q. What was the quality of the provisions, particularly the flour, with which the Army were supplied during the encampment at Terre au Boeuf?

A. The flour was always bad, with the exception of one hundred barrels purchased by General Wilkinson. It was generally mouldy, sour, and frequently filled with bugs and worms. A small proportion of the pork was good, and also a small proportion of the fresh beef.

Q. Do you believe that, at the time the troops were using the bad provisions, a sufficient supply of good and wholesome provisions could have been procured at New Orleans?

A. I suppose it might.

Q. At what time did the fatigue duty cease?

A. The records of the Army show it ceased on the 7th of September.

Q. Had you reason to believe there were funds in the hands of the paymaster at New Orleans, sufficient for paying off the troops?

A. Yes. I had command of the third regiment, and issued an order to the paymaster of that regiment, to meet us when we should arrive opposite New Orleans, and pay off the men, which he complied with.

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Q. Were you provided with funds to defray incidental expenses in conveying the troops up to Natchez?

A. We were not. The expenses incurred whilst I had command of the Army, I was obliged to defray from my own pocket.

Q. What quantity of woodland was cleared by the troops?

A. I suppose about thirty acres.

Q. Do you not suppose the value of the land was enhanced by the labor done on it by the troops?

A. Yes. The cleared land was prepared for cultivation, and the uncleared land in the vicinity was drained by the canal and ditches in the rear of the camp.

Q. How many men did you lose out of your company during your encampment at Terre au Bœuf?

A. None.

Q. Were your men encamped on more favorable ground than the other part of the Army generally?

A. They were not; my company occupied its proper place in the line.

Q. How many of your men were generally fit for duty while at Terre au Bœuf?

A. The number of those in my company fit for duty seldom exceeded five.

Q. How many of the men died on board of your boat, while ascending the river?

A. Of the three companies on board my boat, I think about one third died, including those left in the hospitals established on our way up.

Q. Did you receive the necessary clothing for your company?

A. The clothing for my company arrived at Camden, in South Carolina, during my absence. I receipted for it at Charleston, but being ordered for New Orleans, and not being able to get it from Camden in time, I was obliged to sail for New Orleans, leaving it behind. After my arrival at New Orleans, I wrote to the assistant military agent at Charleston, stating the situation of my company, and requesting him to forward on my clothing. He sent one cask, which I received in the month of July.

Q. Was the General attentive to the sick at Terre au Bœuf?

A. He was particularly attentive to my company; with respect to the remainder of the Army, I cannot say.

Q. Was your company provided with quarters on their arrival at New Orleans?

A. They were not. On my arrival, I reported myself to the commanding officer; he referred me to the military agent for quarters. I went in search of the agent, but could not find him. I sent my ensign in search of him; he informed me that he had found the agent, who directed him to look out for quarters wherever they could be procured, and he would pay for them. The ensign accordingly found quarters, and the troops were removed from the transport after a detention on board for two or three days.

Q. From the state of the Army at Terre au

Bœuf on the 20th of July, if preparations had immediately commenced for a removal, how soon do you believe a movement of the Army up the river might have commenced?

A. I am of opinion, that, if proper measures had been immediately adopted, a movement might have been made in five or six days.

Q. What were the arrangements ultimately adopted?

A. I think the public boats arrived from Fort Adams early in August. They were at first ordered to be repaired by general detail, but the repairs went on slowly: about the last of August, or the beginning of September, they were divided among the commanding officers of corps, who undertook to finish their repairs, which were soon completed. I reported myself ready for moving in two days after receiving my boats.

WASHINGTON COUNTY, ss.

On this 11th day of April, 1810, appeared before the subscriber, a justice of the peace for said county, Captain John Darrington, and made oath, in due form of law, that the foregoing depositions and answers to the interrogatories, are just and accurate, to the best of his knowledge and belief.

DANIEL RAPINE.

No. 7.

Deposition of Colonel Alexander Parker, taken by the Committee appointed by the House of Representatives of the United States, to inquire into the cause or causes of the great mortality in that detachment of the Army of the United States ordered for the defence of New Orleans.

January 30, 1809, I received orders from General Wilkinson, to sail from Norfolk to New Orleans, and report myself, or take command, as the rank of the officer I found there would justify.

On the third of February, did sail with two transport ships, with about 300 troops on board; arrived and took command at New Orleans, on the 26th of March; the troops generally in good health. The General did not arrive until the 20th of April, the command, of course, then devolved on him.

A general order was issued, on the 31st of May, for the brigade quartermaster to have 50 axes, 50 spades, 50 picks, 50 mattocks, 50 hatchets, 6 brier scythes, 4 mauls, 4 pair of iron wedges, 12 handbarrows, and the same quantity of rakes, ready for service on Friday morning.

On the first June, shallops were ordered to be in readiness to remove a detachment from the Army, consisting of 500 men, under the command of Major Pike, with fifteen days' provisions, and all the tools mentioned in the foregoing orders, to prepare an encampment at Terre au Bœuf for the reception of the Army, as a general movement would take place in the course of a week. Accordingly on the 9th the troops did embark, and proceeded down the river about twelve miles to this new encampment. On the 11th a general order was issued at Terre au Bœuf for a fatigue party to be daily furnished, consisting of one field officer, two captains, four subalterns, eight ser-

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geants, eight corporals, and two hundred privates. The 5th July I left the encampment at Terre au Bœuf to return to the City of Washington, at which time I think there were 600 soldiers returned on the sick list; reference to the Inspector's return will ascertain the exact number. The causes of such numbers being sick I attribute to the following reasons: 1. The impurity of the waters of the Mississippi, which the soldiers were obliged to use without being filtered; 2. The camp being mostly inundated by heavy rains and waters from the Mississippi; 3. The great fatigue the soldiers underwent in reclaiming that encampment, and lying on the wet ground—they not being furnished with a sufficiency either of straw or boards; 4. The provisions that were issued by the Commissary were generally damaged and unfit for use; 5. The great scarcity of vegetables, so conducive to the health and comfort of soldiers in that warm climate.

A. PARKER.

Interrogatories put to Colonel Alexander Parker, by the Committee appointed to inquire into the cause or causes of the mortality in that detachment of the Army ordered for the defence of New Orleans, with his answers.

Question. What rank did you hold in the Army at New Orleans?

Answer. I commanded the Army from the time of my arrival until the arrival of General Wilkinson; from which time, until I left the Army at Terre au Bœuf, I was second in command.

Q. What was the condition of the Army during their stay at New Orleans, both as it respects their health and accommodations?

A. The troops generally arrived there in good health, but sickness soon commenced, and rapidly increased among them. Their accommodations, as to barracks and quarters, were comfortable; the provisions—flour, pork, and beef—were generally bad—of the meanest kind, and unfit for use.

Q. Was there a sufficiency of sound and wholesome provisions in New Orleans, which might have been procured for the support of the troops?

A. There was generally a supply in the market of good and wholesome provisions, particularly flour and pork.

Q. Did the market of New Orleans furnish an abundance of fresh provisions and vegetables?

A. The fresh provisions were generally poor, the vegetables were abundant.

Q. Did you examine the site of encampment at Terre au Bœuf before the troops removed there?

A. I had passed by the place in going up the river, but never examined with a view to an encampment.

Q. Were you or any other of the officers, within your knowledge, ever consulted as to the propriety of fixing on Terre au Bœuf as the place of encampment?

A. I was not, nor do I believe that any of the officers were.

Q. Did you consider Terre au Bœuf as an eligible position for an encampment, with a view to

the defence of New Orleans, if the position had been a healthy one?

A. The position is not a military one, but it is as much so as any other in that low country.

Q. Do you believe a healthy situation might have been selected in the high lands, and which would have been equally or more advantageous with a view to the defence of New Orleans?

A. I believe the situation of the present encampment at Washington may be considered, as a military position, in every point of view, more eligible and better calculated for the defence of New Orleans than Terre au Bœuf, or any other in that country, within the jurisdiction of the United States. I have many reasons for thinking so, among which the following may be considered as the principal: an invading army landing on the Mobile and taking possession of the heights of the Mississippi could easily cut off all supplies from New Orleans, and, with a small naval force at the mouth of the Mississippi, would block up the low country so completely as to render it wholly impossible for an army to subsist there. The health of the troops would be much better preserved, and they could at any time move down the river in three days with great facility in case of necessity.

Q. Do you recollect whether any opinions were expressed among the officers, previous to the removal at Terre au Bœuf, relative to the superior advantages of the upper country over that position, and whether those opinions were communicated to the General?

A. The officers frequently conversed among themselves on that subject, but I do not know that they communicated their opinions to the General. I pointed out the advantages which I conceived the upper country possessed to the General. He replied that he was fully apprized of the situation, but that he was limited in his orders, and could not leave New Orleans uncovered.

Q. Do you recollect whether any opinions were expressed among the officers, while at Terre au Bœuf, in favor of the removal of the troops up the river, and whether those opinions were communicated to the General, and at what time?

A. They were daily expressing such a wish to me, and often desired me to communicate their wishes to the General, and press him for a removal. I did mention to the General, about the last of June or the first of July, the necessity of removing the troops from that encampment to the upper country. His reply was nearly similar to the one he gave me before—that he was restricted in his powers, and could not leave New Orleans uncovered.

Q. When you left the encampment, were the troops regularly paid up?

A. According to the best of my recollection, there was not more than two months' pay due the troops generally when I left there.

R. Do you know whether the Paymaster at New Orleans had funds in his hands for the payment of the troops?

A. He informed me, some time in the month of June, that he had received a draft, and had funds in his hands. He had been in a very low

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state of health for some time, and remained so when I left there, which disabled him from transacting any kind of business.

Q. Do you not think the fatigue parties were too large in proportion to the strength of the Army, and that the excessive fatigue thereby imposed on the troops contributed very much to increase the sickness and deaths?

A. It is my opinion that the details for fatigue and camp duty were much too great for the well part of the troops to perform, and that it was one great cause of the mortality.

Q. Were the ditches and other improvements made in the camp absolutely necessary for the accommodation of the troops?

A. They were certainly of great service in draining the ground, and making it more dry and comfortable.

Q. Do you think the work done by the troops rendered the land more valuable to the proprietor?

A. There can be no doubt but its value was improved by draining and clearing it.

Q. In what state did you find the ground intended for the encampment?

A. The ground on which the right wing of the Army was encamped had once been cleared, but was covered with brambles and underwood. On the left it was a perfect bog, and uncleared.

Q. Was there time sufficient for the camp-forming party, under Major Pike, to have completed the preparations for encampment previous to the removal of the main body to Terre au Bœuf?

A. I think there was not. He moved with his party on the first June, and the main body moved on the ninth. It would have taken the party under his command a month or six weeks to put the ground in any tolerable order.

Q. Was not the place chosen for encampment much infested with mosquitoes, &c.

A. It was. The mosquitoes, gnats, and reptiles, were so numerous as to be very distressing to the men, and were a great aggravation of their other sufferings.

Q. Were the troops supplied with the necessary hospital stores?

A. They were not; and the troops suffered much in consequence of the want of them. Many of the men died without having received any aid from hospital stores.

Q. Was it not within the power of the General to order the military agent to furnish the necessary hospital stores and other supplies for the use of the troops?

A. The General may at all times draw on the military agent for any quantity of stores that may be found necessary for the use of the troops.

Q. Do you know whether the military agent had funds in his hands to meet such drafts?

A. About the last of April he had considerable funds in his hands. I cannot say what his disbursements were after that period.

Q. What were the most prevalent diseases in the Army while you were there?

A. Dysenteries and diarrhœa. These disorders were increased by the dampness of the ground on which the troops were encamped.

Q. Were the waters of the Mississippi considered as wholesome?

A. When filtered the water is considered as wholesome; but, in the state in which the men were obliged to use it, it was considered by medical men as very unwholesome.

Q. Could not the men have been supplied with a sufficient quantity of filtered water?

A. A sufficient quantity of filtering stones could not have been had, but a good substitute might have been found in sand or charcoal.

Q. Were the sentries provided with the necessary shelters to preserve them from the effects of the sun, rain, and dews?

A. They were not, during my stay there. There were sentinels who fell on their posts from the effects of the sun, or other cause, and expired very suddenly.

Q. Is it your opinion that a sufficient number of boats could at any time have been procured at New Orleans for the purpose of conveying the troops up the river?

A. At all times a number of boats might have been procured, but whether in sufficient numbers to have removed all the troops at once, I am not able to say.

Q. Is it your opinion that the troops might have been encamped on the plains of the Faubourg St. Mary, and that, if they had been so encamped, their situation would have been more eligible than it was at Terre au Bœuf?

A. I am under the impression that the ground would not have been sufficiently extensive for an encampment. If it would, it possessed many advantages, such as its being drier, and the facility of procuring vegetables and other necessary supplies; but I am under the impression, that, from its vicinity to the town, it would have been impossible to have restrained the men, and prevented them from entering into all the vices common in large towns.

Q. Was the police of the camp such as to keep it sufficiently clean?

A. The police officers were sufficiently strict, but the low situation of the ground caused a frequent overflowing of the sinks, and produced a very great stench, which was extremely offensive throughout the camp.

Q. In the state in which the Army was, at Terre au Bœuf, do you believe it could have made any serious opposition against even a small invading force?

A. It is my opinion that our troops were so emaciated and reduced by sickness, the climate, and the want of proper nourishment, that they could have made but a very feeble opposition against even a small military in good health and well organized.

Q. Were the mosquito bars or nets necessary for the troops, particularly for the sick, and were they provided?

A. Nets were absolutely necessary for the accommodation of the Army. When I left that country a few nets were provided for the sick at the New Orleans Hospital. I was informed by the military agent, that he either had in hand ten

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thousand dollars for the purpose of purchasing mosquito nets, or that he was ordered by the Secretary of War to provide for the Army at New Orleans, to the amount of ten thousand dollars.

Q. What was the price of mosquito nets?

A. Good nets for the soldiers might have been purchased for two dollars and fifty cents.

Q. Did any cause or causes exist, within your knowledge, to impose an imperious duty on the commander to encamp in the vicinity of New Orleans?

A. None within my knowledge.

Q. Were there any symptoms of discontent manifested at New Orleans, which could require the detention of the Army at Terre au Bœuf?

A. The citizens of New Orleans were peaceable, and appeared to be well disposed to the Government. I heard of no dissatisfaction, nor murmurs of any kind.

Q. Did any reasonable apprehension exist, from the influx of refugees from Cuba, that could require the presence of an Army?

A. No apprehensions were entertained that I heard of. I had none.

Q. Admitting that symptoms of discontent had been manifested, would not an encampment of the Army in the high lands have given to the Government the surest and most certain means of overthrowing anything like opposition?

A. I am decidedly of opinion, that, as a military position, the high lands, in every point of view, may be considered as the most eligible for the protection and defence of New Orleans, and that the encampment of the Army in the higher country would afford the most certain means of quelling anything like opposition to the Government.

Q. Were you informed that an order had been given by the Secretary of War, on the 30th of April, 1809, for the removal of the troops to the rear of Fort Adams, or Natchez?

A. I heard of no such order, nor was information of such an order communicated to the Army.

Q. Is it not customary for the commanding officer of an army to consult his officers of highest rank upon matters of importance, respecting the disposition of the army under his command?

A. It is.

On this 14th day of April, 1810, appeared before the subscriber, a justice of the peace of Washington county, Colonel Alexander Parker, and made oath, in due form of law, that the foregoing deposition, and answers to interrogatories, are just and accurate, to the best of his knowledge and belief. Sworn before DAN. RAPINE.

No. 8.

Interrogatories put to Captain E. Williams, by the Committee appointed to inquire into the cause or causes of the great mortality in that detachment of the Army ordered for the defence of New Orleans, with his answers.

Question. What rank did you hold in the Army at New Orleans?

Answer. I held the rank of captain, and acted

as an aid-de-camp to General Wilkinson, from the 16th January, 1809, to the 30th June following. I arrived at New Orleans on the 19th April, 1809.

Q. What was the condition of the Army during their stay at New Orleans, both as it respected their health and accommodations?

A. The accommodations were good and comfortable. Soon after the arrival of the troops, they were afflicted with diarrhœa, supposed to be owing to the medicinal properties of the water of the Mississippi. The water generally produces such effects on strangers. The sickness increased during the continuance of the troops at New Orleans.

Q. Was there a sufficiency of sound and wholesome provisions at New Orleans, which might have been procured for the support of the troops?

A. No doubt but that a sufficiency of sound and wholesome provisions might have been purchased there at any time.

Q. What was the quality of the provisions furnished the army?

A. Whilst at New Orleans I was uninformed of anything relating to this question, as I then acted as an aid-de-camp to the commander of the Army. When I took my station in the line, I had frequent occasion to complain of the provisions; they were often unfit for use; our complaints were known to the General. In some instances the provisions were condemned, and others purchased by order of the General. One hundred barrels of flour were purchased by the General.

Q. Do you believe a healthy situation might have been selected in the high lands, and which would have been equally, or more advantageous with a view to the defence of New Orleans?

A. A more healthy situation might have been selected in the high lands, but not so eligible for the defence of New Orleans.

Q. Are you well acquainted with the country above New Orleans, and the positions best calculated for military sites?

A. I am not.

Q. Do you recollect whether any opinions were expressed among the officers, while at Terre au Bœuf, in favor of the removal of the troops up the river, and whether those opinions were communicated to the General, and at what time?

A. The officers frequently expressed opinions in favor of a removal to the high country. Their opinions were known to the General.

Q. Were the troops regularly paid?

A. They were not regularly paid. When I left the detachment at Washington, Mississippi Territory, on the 27th of November, the regiment to which I was attached had arrears due for five months.

Q. Do you think the fatigue parties were too large, in proportion to the strength of the Army, and that the excessive fatigue thereby imposed on the troops contributed very much to increase the sickness and deaths?

A. I do think they were.

Q. Were the ditches, and other improvements

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made in the camp, absolutely necessary for the accommodation of the troops?

A. Ditches were absolutely necessary for the comfort of the troops; the ditches made were unnecessarily large for a temporary cantonment.

Q. Do you think that the work done by the troops rendered the land more valuable to the proprietor?

A. I do; inasmuch as it rendered a portion of the land on which we encamped fit for cultivation, which land, previous to our encampment, was, in its primitive state, wet and marshy.

Q. In what state did you find the ground intended for encampment?

A. Part of it had been cultivated, but was overgrown with weeds and brush; the remainder was in its primitive state—low, wet, and marshy, which, when ditched and cleared, became dry.

Q. Was there time sufficient for the camp-forming party, under Major Pike, to have completed the preparations for encampment, previous to the removal of the main body to Terre au Bœuf?

A. I do not think the time was sufficient. When the main body of the Army arrived, more than half of the work was to be done.

Q. Was not this place chosen for encampment much infested with mosquitoes, &c.

A. Yes, it was; but not more so than that country generally is.

Q. Were the troops supplied with the necessary hospital stores?

A. The troops were, in my opinion, at no time sufficiently supplied with hospital stores.

Q. What were the most prevalent diseases in the Army while you were there?

A. Dysenteries, bilious fevers, agues and fevers, and the scurvy,

Q. Could not the men have been supplied with a sufficient quantity of filtered water?

A. The men could have been supplied with a sufficient quantity of filtered water; the means of filtering it being in abundance.

Q. Were the sentries provided with the necessary shelters to preserve them from the effects of the sun, rain, and dews?

A. The sentries were at no time properly protected from the weather; about the middle of July, sheds were erected, but they afforded little protection.

Q. Is it your opinion that a sufficient number of boats could have been procured, at any time, at New Orleans for the purpose of conveying the troops up the river?

A. Comfortable boats could have been procured, at any time, at New Orleans for the conveyance of the troops.

Q. Is it your opinion that the troops might have been encamped on the plains of the Faubourg St. Mary, and that, if they had been so encamped, their situation would have been more eligible than it was at Terre au Bœuf?

A. I do not think they could have been encamped there so advantageously as at Terre au Bœuf, the vicinity to New Orleans tempting the men to dissipation and other vices.

Q. Was the police of the camp such as to keep it sufficiently clean?

A. The detail for police was sufficient, and the camp kept as clean as the nature of the ground would admit; the frequent rains causing the sinks to overflow contributed to the diseases of the camp.

Q. In the state in which the Army was at Terre au Bœuf, do you believe it could have made any serious opposition against a small invading force?

A. The extreme disease of our camp would have made it impossible for us efficiently to oppose even a small force.

Q. Were mosquito bars or nets necessary for the troops, particularly the sick, and were they provided?

I consider mosquito bars absolutely necessary for both the sick and the well. A few were supplied, at a late season, for the sick.

Q. Did any cause or causes exist, within your knowledge, to impose an imperious duty on the commander to encamp in the vicinity of New Orleans?

A. I do not know any cause why the troops were kept in the vicinity of New Orleans. The idea generally prevailed among the officers that it was in conformity to the wishes of the Government.

Q. Were there any symptoms of discontent manifested at New Orleans which would require the detention of the Army at Terre au Bœuf?

A. I know of none that could require the detention of the whole detachment. In my opinion it was politic to leave a small portion of the Army there, as the influx of people from Cuba excited disquiet in the town.

Q. Were you informed that an order had been given by the Secretary of War, on the 30th of April 1809, for the removal of the troops to the rear of Fort Adams, or Natchez?

A. I knew of no order for the removal of the troops until about the 20th of August, 1809.

In addition to the interrogatories put by the committee, it may be proper to add, that, on or about the 1st of September, the troops were ordered by General James Wilkinson to prepare for a removal to the high lands up the river Mississippi. The troops left Terre au Bœuf by detachments, between the 8th and 18th of September. On the 20th they were concentrated opposite New Orleans; many of the boats furnished for our conveyance were found to be in a leaky condition, some few totally unfit for service. On the 23d we halted about a mile above the city to repair, and in order to remove such of the sick to the hospital at New Orleans as were too ill to be moved. Many were forced to proceed from a want of room in the hospital, and who might have been recovered could they have had rest and comfortable lodgings. At no time was there a sufficiency of hospital stores during our route. Our surgeons often complained of a want of the proper medicines, and such as they had frequently proved inefficacious, as the sick were necessarily exposed to the heat of the sun, and the heavy

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dews at night, together with every variety of weather. Straw not being furnished, as expressly ordered by the War Department, the sick and the well lay on the ground with a single blanket. The sufferings of the men may be better imagined than related. The number of sick continued to increase; deaths became more numerous. At Point Coupee it was judged necessary to establish an hospital, in which were left the most dangerous of our sick, (who, for their necessities and comforts, were dependent on the charity of the officers, as the detachments were without public funds,) in number about one hundred. At Fort Adams a similar step was found necessary. As the diseases of the climate affected all, we were often deprived of the services of our surgeons, and men were known to die without the smallest medical assistance. The troops arrived at Natchez about the first of November, and were immediately removed to Washington, where the change of air was soon observed to have a happy effect on the health of the men. General Wilkinson was generally attentive to the sick, particularly to my company.

WM. E. WILLIAMS,

Captain 5th Regiment Infantry.

DISTRICT OF COLUMBIA,

City of Washington, April 10, 1810.

Captain William E. Williams made oath before me that the foregoing statement, in answer to the queries put to him, is true, and so far as he states it to have been derived from the information of others, he believes it to be true.

DANIEL RAPINE.

No. 9.

Interrogatories put to Lieutenant Enos Cutler, by the Committee appointed to inquire into the cause or causes of the great mortality in that detachment of the Army appointed for the defence of New Orleans, with his answers.

Question. What rank did you hold in the Army?

Answer. First lieutenant in the seventh regiment of infantry.

Q. How long have you been in the Army?

A. I have been in service since the third of May, 1808.

Q. At what time did you arrive at New Orleans?

A. I arrived there on the last day of March, 1809.

Q. What was the condition of the Army during their stay at New Orleans, both as it respects their health and accommodations?

A. After we arrived at New Orleans the dysentery soon became very prevalent among the troops. The accommodations were good. The company under my command (the captain being sick and absent) arrived in good health, but soon became sickly, and six or seven men died before we removed to Terre au Boeuf.

Q. What was the quality of the provisions with which the troops were supplied while at New Orleans?

A. Our meat was good; the flour sometimes good, and sometimes bad.

Q. Was there a sufficiency of sound and wholesome provisions in New Orleans, which might have been procured for the support of the troops?

A. I knew very little respecting the state of the provisions in the market at New Orleans, but I do not think that a supply of good flour could at all times have been had.

Q. Did the market of New Orleans furnish a sufficient supply of fresh provisions and vegetables?

A. It furnished, I believe, at all times, a sufficient supply of vegetables, but whether a sufficiency of fresh provisions could at all times have been had, I cannot say.

Q. At what time did you remove from New Orleans to Terre au Boeuf?

A. It was on the third day of June. I went with the first detachment, under the command of Major Pike.

Q. In what condition did you find the ground allotted for the encampment?

A. The ground on the right was dry and covered with weeds; towards the left it was lower, and somewhat wet, and covered with brush, blackberry bushes, &c. The party under Major Pike encamped on the right, and, when the other troops came down, the line was extended to the left.

Q. At what time did the main body of the troops arrive at Terre au Boeuf, and was the encampment prepared for their reception?

A. I believe it was eight or ten days after our arrival. The ground was as well prepared as the time would admit.

Q. How long after their arrival was it before the troops were provided with flooring in their tents?

A. They were provided immediately after the arrival of the main body; the boats in which they descended were broken up for that purpose.

Q. Was the place at which the troops were encamped much infested by mosquitoes?

A. It was, like the rest of that country, very much infested by them.

Q. Were the troops supplied with the necessary hospital stores and medicines?

A. I heard no complaint for the want of medicine, but there was a want of hospital stores.

Q. Do you not suppose the fatigue parties were too large in proportion to the strength of the Army, and that the fatigue thereby imposed on the troops tended to increase the sickness and deaths?

A. On our first arrival the fatigue parties were large; they were afterwards reduced. I do not know that the sickness or deaths were increased by the fatigue.

Q. At what time were the fatigue parties reduced?

A. I cannot remember.

Q. Were the sentries provided with the necessary shelter to protect them from the sun, rain, and dews?

A. Yes, they were provided with shelters covered with palmettoes, sufficiently tight to protect them from common rains.

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Q. At what time were they so provided?

A. I think it was probably towards the last of July, but I am not certain as to the time.

Q. What was the quality of the provisions with which the troops were supplied while encamped at Terre au Bœuf?

A. Our meat was generally fresh, and generally good; our flour sometimes bad. A purchase of flour was once made by order of the General, in consequence of the failure of the contractor to supply the troops.

Q. Was the police of the camp such as to keep it sufficiently clean?

A. Great attention was paid to the police of the camp by the officers, but the troops being new, the camp did not preserve that clean appearance which a camp of old soldiers probably would.

Q. Were the ditches which were made by the Army necessary for the accommodation of the troops? A. I conceived them to be so.

Q. Do you recollect whether any opinions were expressed among the officers while at Terre au Bœuf, in favor of the removal of the troops up the river, and whether those opinions were communicated to the General, and at what time?

A. There were opinions of that kind expressed, and I believe they were communicated to the General early in July.

Q. Were the troops well clothed while at Terre au Bœuf?

A. My company had received their year's clothing, which year did not expire with those first enlisted, until the first of July, but, being new recruits, their clothing had become much worn; and I believe this was the case with the troops generally. Some clothing was drawn in advance, by some of the officers, while at Terre au Bœuf.

Q. Do you conceive that Terre au Bœuf is the most eligible place in that country for an encampment?

A. I believe it was as much so as any place in the neighborhood of New Orleans.

Q. What were the diseases with which the troops were afflicted while at Terre au Bœuf?

A. The dysentery continued; in addition to which, they were afflicted with ague and fever, fever, and a disorder in the mouth, which was called by some physicians the scurvy, and by others, by some other name.

Q. Were the troops regularly paid?

A. The law provides that, in ordinary cases, the troops shall be paid every two months. We were paid in New Orleans, up to the last of April; and in August we were paid up to the last of June. At Washington we were paid in January up to the last of December.

Q. At what time did you hear that the General had received orders to remove the troops up the river?

A. I did not hear it until a short time before we removed.

Q. Could boats have been procured at New Orleans sufficient to convey the troops to Fort Adams or Natchez, at any time between the 14th of June and the 10th of September?

A. I doubt whether a sufficient number of boats could have been procured, at any one time, to convey the whole of the troops at once.

Q. How many men died out of your company while at Terre au Bœuf?

A. One man only, and he went sick from New Orleans to that place.

Q. How many men had you generally fit for duty in your company, while at Terre au Bœuf?

A. The report of duty-men arose from twelve, when we first arrived there, up, I believe, as high as twenty-six, about the last of June. In July they became sickly again, and, for some time before we left the encampment, we did not report more than nine or ten.

ENOS CUTLER, 1st Lieut.

WASHINGTON COUNTY, ss.

On this 24th day of April, 1810, before the subscriber, a justice of the peace for said county, appeared Enos Cutler, and made oath, in due form, that the facts stated in the foregoing affidavit are true to the best of his knowledge.

DANIEL RAPINE.

No. 10.

Deposition of Captain Ninian Pinkney, in the first regiment of infantry, taken by the Committee of the House of Representatives of the United States, appointed to inquire into the cause or causes of the great mortality in that detachment of the Army of the United States ordered for the defence of New Orleans.

I have been in the Army of the United States since February, 1801.

I was appointed brigade inspector, and ordered to New Orleans, where I arrived on the 31st of March, 1809.

The public buildings not being sufficient for the accommodation of but a small proportion of the troops which had arrived, and was daily arriving, they were quartered in all parts of the city and faubourgs, in comfortable houses. The sick reports soon became very considerable; and I understood the diseases to be chiefly the dysentery, which attacks all strangers, and of which a number of the men died. The provisions issued to the troops were salted pork and beef, bread, and flour, which I have understood was not of the best quality; nor do I believe good flour or fresh beef, in large quantities, could have been procured in the country.

A detachment of troops, under the command of Major Pike, left New Orleans, on the 3d of June, for Terre au Bœuf, to prepare the ground for an encampment, and the remainder of the Army went down on the 9th and 10th of the same month: at which time I went, and found the ground as well prepared as the short time given them would permit, but some small under-wood, briars, and weeds, remained to be removed on each flank of the line, and ditches to be cut to carry off the water when the rainy season should come on. And, for this purpose, a general fatigue was detailed, consisting of two captains, four subalterns, and two hundred men, which

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was reduced in proportion as those objects were accomplished, and was entirely taken off by the 1st of August.

The tents of the men and officers were made comfortable, by flooring them with the plank taken from the boats in which they ascended the river, and erecting sheds, covered with palmettoes, to protect them from the sun and rain; and every exertion was made by the General to establish and keep up a strict police, as can be seen by the general orders issued at that camp.

I have heard the surgeons and surgeon's mates frequently complain of the want of hospital stores and medicines; and I have understood that the greater part of those articles used at camp Terre au Bœuf was purchased at New Orleans. The regular supply from Philadelphia did not arrive in Orleans until about the 1st of September, at which time the clothing arrived also. Some of the companies were at this time much in want of clothing; not that they had much due them, but because they had spoiled and worn it out before the expiration of the year. And it is a fact, well known in the Army, that the clothing of recruits will not last them the first year, unless the officers take much care.

I do conceive Terre au Bœuf the most eligible place for an encampment I have seen on the Mississippi, within fifty miles of New Orleans.

The diseases with which the troops at camp Terre au Bœuf were afflicted were complicated, and of various kinds, and the physicians differed very much as to their mode of treatment.

The troops were not paid so frequently as the law directs, but I believe as often as the nature of the service would permit.

I do not recollect to have heard that the General had received orders to move the troops up the river, until he was making arrangements to carry it into effect, and that was about the 1st of August.

I do not think a sufficient number of boats could have been had, at any one time, between the 14th of June and 10th of September, to transport the troops to Natchez; indeed, I am satisfied they could not.

Questions by the Committee.

Question. In what situation did you find the ground at Terre au Bœuf, on your arrival at that place?

Answer. The ground at Terre au Bœuf, on which the encampment was making, had the appearance of having once been cultivated as far as the centre, from the extreme right of the line; the other part had never been cleared before, and was covered with underwood and briars, and required to be trenched to take off the rain water.

Q. How long after your arrival at the camp was it before the tents were generally floored?

A. The tents of the men were all, or nearly all, floored in eight or ten days after my arrival.

Q. What was the quality of the provisions with which the troops were supplied at Terre au Bœuf, and what measures were taken to procure those of a better quality?

A. The meat part of the ration was generally fresh beef, and as good as the country commonly affords. The bread and flour was not good, and the General made a purchase of, I think, one hundred barrels, on account of the contractor, of the best flour that could be had in the city of Orleans; but when it was issued, it was found very little better than what the contractor's agent was issuing.

Q. Were mosquito nets or bars necessary for the troops, and were they provided?

A. Mosquito nets are necessary at all points and places on the Mississippi, from the Bluff of Natchez to the Balize, at least four months in the year; but the troops were not furnished with them, except for the sick in the hospital.

Q. Are you acquainted with the country generally in the neighborhood of New Orleans?

A. I have no knowledge of the country in the neighborhood of New Orleans, at any considerable distance from the river banks, except what I have learned from others.

Q. Do you not believe the sickness and deaths were increased by the badness of the provisions, and the want of hospital stores and medicines?

A. I have no doubt of it.

Q. Are you acquainted with the country above New Orleans, and the positions best calculated for military sites?

A. I am not acquainted with the country between New Orleans and Fort Adams, back from the river. The best sites for military positions are in the neighborhood of Fort Adams and Natchez.

Q. Do you know whether any opinions were expressed among the officers in favor of a removal of the troops from Terre au Bœuf up the river, and whether those opinions were made known to the General, and at what time?

A. I know that opinions were expressed among the officers in favor of a removal of the troops from camp Terre au Bœuf, up the river; and I believe those opinions were partially made known to the General, but at what time, or by whom, I cannot say.

N. PINKNEY.

WASHINGTON COUNTY, ss.

On this 24th of April, 1810, before the subscriber, a justice of the peace for the said county, appeared Ninian Pinkney, and made oath, in due form, that the facts stated in the foregoing affidavit are true to the best of his knowledge.

DANIEL RAPINE.

No. 11.

Deposition of John Chrystie, First Lieutenant 6th Infantry, taken by the Committee of the House of Representatives of the United States, appointed to inquire into the cause or causes of the great mortality in that detachment of the Army of the United States ordered for the defence of New Orleans.

I arrived at New Orleans on the 15th of March, 1809. The accommodations of the troops were as good as the town could afford, and the provisions were, in general, such as are usually furnished. I believe, though I recollect complaints were once or twice made and surveys held.

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The market abounded with vegetables; but I do not know whether fresh provisions could have been procured in large quantities.

About a third of the troops were on the sick report some time before our movement to camp, principally with dysenteries.

About the first of June, nine strong companies (being a third of the whole) moved under the command of Major Pike, to the position at Terre au Bœuf, selected for the encampment, and the main body followed in six or eight days after.

On my arrival, about the 10th of June, I found the ground, from the extreme right to some distance to the left of the centre, dry and hard, and great part of the front covered with a firm sod, and I believe clover. Every one seemed pleased with the situation, and the men in general were highly gratified with the change.

The camp was not more infested with mosquitoes, in my opinion, than the city of New Orleans, and they were never troublesome there during the day.

The importance of having the trenches completed before the rains set in, occasioned large details at first, but they decreased with the progress of the work. No labor was bestowed on them further than was necessary to the comfort of the soldiers and neatness of the camp; and I do believe, that those trenches were rather hurtful than otherwise to the plantation. Sheds for the sentries, other sheds capable of turning rain, extended between the lines of tents, from one extremity of the camp to the other; a guard house, and a large hospital, were erected with all possible dispatch. The tents were floored immediately on our arrival.

The hospital department did not appear to meet perfectly the exigencies of the occasion. I do remember to have heard, at one time, considerable complaints on the score of hospital stores and medical attendance. It must be well known, however, I believe, to every officer then in camp, that the greatest exertions were made to remedy these evils.

The provisions were generally fresh and good, except the flour; and I believe very good flour was scarce at that time in New Orleans.

The clothing of the troops was not in good condition, but I understood that none was due until a short time before their departure for Natchez, when it was thought best not to issue.

The most unwearied attention was paid by the General to the police of the camp; and, though, for some time, its condition showed us to be but young soldiers, it soon became perfectly neat and clean.

Of the company to which I was attached, four men died at camp; two of them of the dysentery, which, I believe they had taken at New Orleans.

Vegetables and milk were to be had in abundance, until within a very short time before our departure, but, in general, the market did not answer expectation; a circumstance which may probably be attributed to these causes: certain articles found to be unhealthy were prohibited; prices were at one time restricted; the inhabi-

tants, not understanding the language, frequently had difficulties with the men, and sometimes, when imposed on, could not be redressed; at the same time, the great accession of population to New Orleans, from the Spanish islands, &c., gave them there a ready market.

I consider the position at Terre au Bœuf the most eligible for an encampment, within one hundred miles of New Orleans, on the Mississippi. It is between two large well-cultivated plantations; has the advantage of being immediately at the junction of the road from the Terre au Bœuf neighborhood, with the main levee road—a circumstance manifestly favorable to the market; and, at the same time, its nearness to New Orleans gave every facility of procuring extraordinary supplies.

The rear and extreme left were, on our first arrival, exceedingly wet, and covered with brushwood; but the small growth being cleared away, and the trenches dug, it soon became dry and firm.

JOHN CHRYSTIE, 1st Lieut.

WASHINGTON COUNTY, ss.

On the 24th day of April, 1810, before the subscriber, a justice of the peace for said county, appeared John Chrystie, and made oath, in due form, that the above and foregoing facts in this affidavit are true to the best of his knowledge and belief.

DANIEL RAPINE.

No. 12.

Deposition of General James Wilkinson, April 24, 1810.

To the honorable the Committee appointed to inquire into the cause or causes of the great mortality in that detachment of the Army of the United States ordered for the defence of New Orleans.

GENTLEMEN: I deeply regret my incapacity to comprise, in this hasty report, all the causes which have induced the inquiry before you. But the circumstances of the moment will not permit that broad exposition which it is my desire to present you. Hurried from Baltimore, I left the records of my command for the last season, with other papers of consequence, on ship-board, and they have reached me too late for critical examination and comparison.

I beg leave to premise, that military history, ancient and modern, will show, that in new levied armies more men are lost by disease than by the sword. I quote the authority of Marshal Saxe and General Washington to justify this position; and it may also be supported by a recurrence to the mortality which attended our armies at Ticonderoga, under Major General Gates, in the year 1776, and under Major General Wayne, at his camp of Greenville, in the year 1803, in high latitudes, and salubrious climes. It is also a fact that as great a mortality as we experienced last season, in proportion to numbers, did take place in 1801, at the camp near the mouth of the Ohio, to which Colonel Williams, of the Engineers, now in this city, can testify.

Were I required to say, in a few words, what were the chief causes of the mortality among the

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troops, under my command, on the waters of the Mississippi, the last season, I should ascribe much to the peculiar visitation of Providence, much to the time and manner of assembling the troops at New Orleans, and more to the sudden change from the habits of domestic life to those of the camp; from the ease and comforts of the citizen, to the hardships and exposure of the soldier; to these, however, must be added other subordinate causes, which, doubtless, contributed to exasperate our sufferings. Such were the defects of the medical and provision department, defects which I found it was impossible to control, although every exertion was made to remedy them. It was in vain I sought for competent medical aid; the country did not afford it. Extravagant prices were offered for fresh beef, without effect; and flour of the best quality in New Orleans was purchased for account of the contractor, which, on examination, could scarcely be distinguished from that of our daily issues. The professional standing of the troops, too, was unfavorable to that police, which is indispensable to health in aggregated bodies. Both officers and men were green from the bosom of civil life, and had reached that stage between the armed yeomanry and the disciplined soldier, when the promptitude and enthusiasm of the citizen is lost, and a sense of veteran punctuality and subordination has not been acquired.

On the second of December, 1809, I received orders for the assembly of the troops at New Orleans, by the route of the ocean and of the Western waters; and the corps were assembling at that city from the month of February until May. I arrived there the 19th of April; the vernal heat was then extreme, and I found five hundred and ninety-eight sick, nearly one-third of the whole. At that stage of the season, with such a body of sick, sound discretion and common humanity would, to an observer, have opposed the idea of attempting to mount the river, three hundred miles, under a vertical sun, and against an impetuous current; and if the sick had been left behind, the whole medical staff must also have been left to take care of them, which would have exposed the marching body to disease and death, without succor—a circumstance at once inhuman and unwarrantable.

I perceived at first glance the necessity of removing from New Orleans; but my orders being expressly to “make such a disposition of the troops as would most effectually enable me to defend that city, and its dependencies, against any invading force,” it became my primary duty to seek for the position best adapted to this end, and which combined the fairest prospects of health. At this period, and for two or three weeks after, continued showers of rain kept the flat surface of the country (the earth being saturated by the spring flood) too wet for the formation of an encampment.

The interval was occupied in reconnoitering at all points for a suitable position; and, at the pressing instance of the Governor of the Territory, I visited Terre au Bœuf, near the English Turn,

accompanied by himself, Colonel Smyth, of the rifle corps, (Colonel Parker being indisposed,) and some gentlemen of the vicinity, who gave every assurance of the salubrity of the spot, founded on the experience of years, and promised us a competent market from the adjacent settlements, which extended down the river, and at right angles from it, in a direction to the eastward, for several leagues. I beg leave to refer to my letter to Governor Claiborne, and his answer, marked No 1 and 2, for illustration of the preceding facts.

Under these circumstances, with the concurrence of those who examined the ground with me, it was fixed on for our encampment, and measures were immediately taken to remove the troops from the city. Orders were accordingly given for the march of nine companies, out of twenty-eight, on the first of June; the main body followed on the ninth, and the whole were encamped on the tenth. I wrote to the Secretary of War on the 29th May, advising him of my determination, and apprising him at large of my reasons for preferring this spot. After the establishment of my camp, and on the 14th of June, I received a “conditional” order from the Secretary of War, under date of the 30th April, directing a removal of the troops from New Orleans, if they had been removed, and recommending a position in the vicinity of Fort Adams; but, as the order was imperative, as the mode of transport was not provided, as the movement, by the ordinary means, would have been greatly expensive, as the operation, under existing circumstances, menaced the lives of the men, and more particularly as the troops were gaining health, and general satisfaction appeared to prevail, I replied to the Secretary, under date of the 18th June, repeating the motives which had induced the selection of the spot I occupied, and assigning reasons why the troops should be continued there. Indeed, so strongly did I apprehend the consequences which must attend the transfer of a body of men, a majority of whom were either sick or convalescent, from my camp to Fort Adams, under the heats and dews of the summer, that, had the order of the 30th April been imperative, I think I should have paused over it, until I could have reported our real condition, and received further instructions. Humanity, policy, and justice, to those entrusted to my charge, as well as to my country, would have enjoined it on me to hazard this responsibility. The event justified my fears; and it will ever be my opinion, that, if we had moved to the salt waters in our vicinity, or to the sea shore, which was not distant, we should not have suffered one-third the loss we sustained in ascending the river, and that our continuance at the encampment of Terre au Bœuf, would have been less fatal than the movement we made. The best informed inhabitants anticipated the consequences, and that the opinions of our ablest surgeons were in unison with my own will appear from the reports of Doctors Upshaw, Thruston, and Goodlet, exhibited in the documents Nos. 3, 4, and 5.

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On the 20th of July, I received a letter from the Secretary of War, bearing date the 22d of June, in answer to my letter of the 29th of May. In this letter the Secretary makes reference to his "conditional" order of the 30th of April, and directed me to embark immediately "all the troops" on board the public vessels (excepting the garrisons of New Orleans and Fort St. Philip,) and proceed to the high ground in the rear of Fort Adams, and the public ground in the rear of Natchez. This letter covered the copy of an order from the Secretary of the Navy to Captain Porter, directing him to furnish such vessels as could be spared from the service, for the transport of the troops. Every exertion depending on myself was instantly entered upon to carry this order into effect. But finding that the transport specifically assigned was utterly inadequate to the object, to supply the deficiency, I hired some boats, borrowed others, and repaired several belonging to the public, which had been condemned as unfit for service, and were accidentally discovered to be lying at Fort Adams. Four gunboats fell down to my camp on the eighth of September, embarked one hundred and ninety one men, and sailed the next day; and excepting a small detachment, to raise and repair a sunken boat, the last man left the ground on the 13th, on board the craft which had been employed and repaired. At this time a fever, by which I had suffered, became so violent as to confine me to my bed, and put it out of my power to accompany the troops. I followed them under a severe malady, but it was not until November that my health was restored.

The position of Terre au Bœuf, in relation to the defence of New Orleans, is the best which can be found in the country. It covers our batteries at the English Turn, and, by a sudden transition, our force may be employed to resist any approach by the Lakes on the East or West of the river. The plan submitted to the committee will, I flatter myself, give them satisfaction on this point; and, in addition to other testimony respecting the character of the spot for salubrity, and of the improvements made on it by the troops, I beg leave to offer the deposition of Mr. Delassize, No. 6, the proprietor, and a man of great respectability.

When the troops embarked, the whole of them had been paid up to the last of June, and some of them to the first of September. After that period my orders had no effect on the paymaster, who plead ill health, and his instructions, to remain in New Orleans. When General Hampton relieved me, he advanced some pay to the troops from his private purse, (a thing impossible to a man who had been twenty-five years in service.) and directed the paymaster to be arrested, and sent up in custody of an officer, if he should refuse to march at forty-eight hours' notice. This step had the desired effect, but it was too strong a one for me to take.

No question can be made as to the correctness of the motives which directed the transfer of the troops to the upper country. It will occur to

every man's observation, that, in general, a high country must be healthier than a low one; yet every person must be sensible that this, like all other rules, is liable to exception. This observation is sanctioned by the authority of Doctor Seip, a respectable man and able physician at Natchez, whose report, under cover, No. 7, will prove that district of country to have been more sickly the last season than for twenty years past. Upon the whole, we have been unfortunate, not culpable. The best evidence I can offer of my conduct, in what concerned the sick, will be found in the enclosed testimonial of the medical staff, No. 8, which was handed to me after I had transferred the command of the department to Brigadier General Hampton, and was about to leave the country. I throw myself upon the candor and justice of the committee to pardon me for observing, that I have seen, from the public prints, that the arts and intrigues of my enemies, co-operating with a current of prejudice, have perverted and misrepresented, to my injury, the scenes to which this report has reference. The tales of ignorant, discontented, seditious, and worthless subalterns, and the fictions and falsehood of my personal and political enemies, have been industriously circulated to wound my character; but being conscious that, in this, as in every other instance of public service, I have done, and more than done my duty, I court inquiry, and defy investigation.

To these facts and statements I am willing to depose; and with the highest consideration and respect for those whom I address, I have the honor to be, gentlemen, your obedient servant,

JAMES WILKINSON.

WASHINGTON CITY, April, 24, 1810.

WASHINGTON COUNTY, ss.

On this 24th of April, 1810, before the subscriber, a justice of the peace for said county, appeared James Wilkinson, and made oath, in due form, that the foregoing facts, as stated, are true, to the best of his knowledge, recollection, and belief.

DANIEL RAPINE.

Papers accompanying the deposition of General Wilkinson.

No. 1.

Extract of a letter from General Wilkinson to Governor Claiborne.

CAMP TERRE AU BŒUF, July 27, 1809.

"SIR: As much clamor has been made with respect to the merits of this position, in point of its health and fitness, I take the liberty to address you on the subject.

"And as you offered me the first suggestion in its favor, I will thank you to inform me whether you did not reconnoitre the site before I determined to adopt it for my encampment, and afterwards reiterate to me your recommendation of it? In addition to the sanction of your opinion, I believe it is within your knowledge, that the most ancient and respectable inhabitants of the country concur with you in sentiment. But as you have also seen the encampment since it was

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formed and improved, I shall be obliged by the avowal of your opinion of its present appearance and salubrity."

True extract. N. PINKNEY, *Captain.*

No. 2.

Extract of letter from Governor Claiborne to General Wilkinson, dated

NEW ORLEANS, *July 28, 1809.*

"I received your letter of yesterday. My opinion is now, and always has been, that the position you occupy, at the commencement of the English Turn, is the most eligible one, for such troops as may be designed to give protection to the city of New Orleans. It has, moreover, been represented to me, by several of the old inhabitants, (and from my own observations, I do not doubt the fact,) to be as healthy as any site on the Mississippi, between Baton Rouge and the Balize.

"I did, therefore, after having myself viewed the spot, which I found to be more elevated than the land on the Mississippi generally is, advise you to fix your summer cantonment at that place; and I am now persuaded, from the great care which is taken to keep the ground dry, to defend the men from the influence of the sun, and to lodge them comfortably, that the number of your sick will daily diminish."

True extract. N. PINKNEY, *Captain.*

No. 3.

By order of General Wilkinson.

A report on the diseases of the Camp, *Terre au Bœuf*, their causes, character, and mode of treatment.

CAMP, *TERRE AU BŒUF, July 20, 1809.*

The diseases which are now prevalent among the men in camp, are chronic diseases, bilious and intermitting fevers, some cases of scurvy. The chronic diarrhœa was first introduced by the change of aliment, and the use of the Mississippi waters; which water is strongly impregnated with calcareous earth and carbonate of lime. Many of the men were violently attacked before their arrival at New Orleans with diarrhœa, from the use of the water when on their route up the river. On the first arrival of the troops at New Orleans this disease was common, almost universal; generally speaking, the disease proved fatal, or yielded to treatment, before our encampment was formed; but, even now, many are found lingering in the last stage of cold diarrhœa, of from three to four months standing. It may safely be affirmed that three-fourths of the deaths in camp have been from this disease.

The bilious and intermitting fevers are more common in camp than they were in Orleans; but of the number of cases I have seen there has been no one attended with violent or fatal symptoms in the first stage, and appear to yield readily to the depleting plan of treatment. These diseases belong to the climate and territory of Orleans; and are, I believe, less violent in this camp than at Orleans. The bills of mortality are greater at

Orleans, in proportion to the population, than here, notwithstanding the disadvantages we are of necessity compelled to encounter.

The scurvy exists in a few cases, but is not to be feared, as we can command vegetable food and acids. The men, when sick, living on the rations, is, no doubt, the cause of the scurvy.

Ample reasons will be found, in the imperfect state of the medical staff, and want of capacity in many who compose that staff; in the want of a hospital, hospital stores, and medicines, for the mortality of the soldiery. When the hospital, which is now building, shall be finished, when each medical man shall have his duties well defined, and those of the best capacity placed in situations the most responsible and dangerous, if the military agent should receive such instructions as would enable him to supply the sick with such hospital stores and medicines as are necessary, I feel assured of the truth I now assert, that our deaths would be lessened three-fourths.

The additional expense ought not to be calculated, where the lives and health of the troops are concerned; but, by stopping the rations of the sick man this expense will be very small. It is a distressing sight, and truly unpleasant to the feelings of the medical man, to be in attendance on the sick soldier, and see him die for the want of proper food and medicines; humanity mourns over such a sight. Justice, policy, and patriotism, require this allowance and liberality from Government. It is a fact that there is not one dollar of public money which can be had to purchase milk or vegetables in camp; many are, of course, suffering for necessities, which might be bought for a few shillings. The commutation of the ration would be sufficient for this purpose.

There are many sick men in camp who cannot be moved, however desirable it might be, even to the hospital in Orleans. They came here sick, have grown worse, and are now on the brink of the grave. Transporting them, in this hot climate, would be certain death.

WM. UPSHAW,
Surgeon 5th infantry.

No. 4.

CAMP, *TERRE AU BŒUF, July 29, 1809.*

SIR: In pursuance of your request, I proceed to give you a report at this place, together with the several diseases, and my opinion as respects the site of this encampment. I feel a difficulty in draughting this report, as no doubt there must be contained in it many subjects which require a more full and free investigation than my health and time will allow me to allot to the performance. Should any inaccuracies appear on the face of it, I trust your goodness of heart, and your good sense, will lead you to pass them over in silence.

On the 4th of July I arrived at this camp, and found great numbers on the sick reports; some laboring under dysentery, some with bilious intermitting fevers, and others with scurvy, though small in proportion. Those afflicted with dysen-

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tery were very much reduced when I first saw them, and almost all of them died. I was induced to make inquiry into the circumstances of this disease; I found it was generally subsequent to bilious fever, and that very few cases of this complaint commenced with the usual symptoms which attend it in the first instance. Some new cases of dysentery have come immediately under my care, which, when taken in time, have nearly yielded to medicine and such diet as was proper for them. I think the disease on the decline, and I do not dread the recurrence, unless some material change in the season should predispose the constitution of the soldiery to take it. There are circumstances that might render this fatal disease epidemic; and I dread them much. But a good market, with such hospital and medical stores as may be necessary, not too many of the men confined together, avoiding the night air and dews, will, in a great measure, obviate the apprehensions and danger.

There are but few cases of bilious remitting fever now under my care. They are very obstinate, and when they do yield to medicine, the patient is often attacked when extremely debilitated by diarrhœa, and carried off without fever or any other distressing symptom.

The intermitting fever is now the most prevalent complaint in camp. Some, when apparently on the recovery, are suddenly taken with dysentery and diarrhœa, which terminates in death or extreme debility. This disease often alternates (as I have often seen) from fever to dysentery and diarrhœa, and from the two latter to the former, many times in the week. Such cases are dangerous, and I find great difficulty in their treatment. The bark loses its effect in a few days, and, indeed, often produces nausea and disgust very disagreeable to the patient. I find antimonials in small doses, and repeated blisterings to the extremities, of great service. I, this day, commenced with different preparations of arsenic, and have great hopes of the success. The scurvy has made its appearance; several have died with it. It has increased considerably within ten days, and I fear that the progress will be difficult to arrest. In some cases, the rapid march astonished me. Every effort that I made towards relief and cure was fruitless, (though this was not always the case) and my prescriptions appeared to have no effect in alleviating the miseries of the suffering patient. This disease wears a peculiar character, and differs, in my estimation, from that disease described in different authors. The continuance of fresh provision, constant supplies of vegetables, and a strict adherence to cleanliness, will prevent its spreading through camp. I feel the more confident in the opinion, from the circumstance that no officer in the line has had it. The sick reports of four companies, which I attend, have enlarged considerably, though, in the increase, but few dangerous cases have occurred. I see no reason to believe that anything like an epidemic rages in camp. I fear the approaching season will bring upon us some distressing and fatal disorders, that will pay no respect to persons.

My fears on this head, I trust, may be imaginary. The situation of this camp I believe to be the best on the Mississippi, in any part of this country: I draw this opinion, not from an acquaintance with the sites, but from the judgment and opinions of the best informed men with whom I have conversed on the subject. I do not think our situation could be bettered at this season of the year. The danger of a removal at this period, I think hazardous in the extreme—I mean a removal to any distance, where the troops would be obliged to be conveyed in small vessels by water, and contending against a strong and difficult current. When I give this opinion, I wish to be understood that I allude to a removal in the hot months. As soon as the weather will permit, I do think it would be endangering the lives of the soldiery to continue them here.

The above sketch is given upon mature reflection, backed upon some experience, and not biased by party or prejudice. I trust it will meet your approbation, and accord with your sentiments.

I have the honor to remain, with high regard, esteem, and respect, your very obedient humble servant, &c.

A. THRUSTON, *Surgeon 7th Inf.*

Gen. J. WILKINSON, *Commanding.*

No. 5.

WASHINGTON, *January 3, 1810.*

SIR: I should do injustice to yourself, and violence to my own feelings, were I to permit your Excellency to leave this Territory without giving you my sentiments, as respects Camp Terre au Bœuf, and the march from that place to our present situation. Circumstances relative to my professional calls precluded the possibility of affording this testimonial to your Excellency, at, perhaps, a more seasonable time.

The calls of my worthy friend Colonel Russell, then lying on the bed of sickness at New Orleans, prevented my doing the task which I now present for your perusal.

As a member of the medical staff, and who was amongst the earliest of those who arrived at New Orleans, I could not fail to observe the different and varied changes of the diseases which have occurred in the Army. From dire necessity I was obliged to attend to every corps in the line, save the light artillery, and I trust you will excuse me when I say I could not fail to have an accurate knowledge of the situation of every company in the line. At the period when our movement was spoken of and contemplated, I do not for a moment hesitate to declare that the men were on the recovery. The thoughts of a remove or ascent up the Mississippi, made me tremble for their fate, and the more so, when I recognised the debilitated situation of the soldiery, consequent to the climate in which they were exposed. Let me here observe (and I flatter myself I am correct in the assertion) that the troops were evidently on the recovery, and at that time, too, which was all-important to every individual who composed our Army. It has al-

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ways been my opinion (and I have seen nothing to induce me to alter it) that hundreds of men were lost by the movement from the Camp Terre au Bœuf, that otherwise might have now been alive. Believe me, sir, when I tell you, our march was premature by many, very many weeks; for, as the men were evidently on the recovery, a little time would have rendered them more capable to undertake and brave the hardships which stared them in the face. These hardships have occurred, they have been experienced and sorely felt, under circumstances, when affliction and disease had enervated every fibre in their system. But the soldiery were not the only people in this Territory who had the prevailing diseases of our camp. From careful inquiry I find the citizens on the Mississippi in the same unhappy situation; and it was observed by many old and well informed inhabitants, that the country had not been so sickly for a number of years. In truth I believe that the same fate would have attended us had our situation been anywhere else on the river. The despondency of mind attending necessarily young troops, adding to that the distance from relatives and friends, and the very bad fare from inexperience in the culinary way, was at least as injurious to the men as the local situation of the camp.

The limits of a letter will not permit me to enlarge on this subject. I now, sir, bid you farewell. May the services you have rendered your country be long remembered by a grateful people, and be a solace and comfort to you in your last moments.

I have the honor to be, sir, your most obedient and humble servant,
A. G. GOODLET.
Gen. WILKINSON.

No. 6.

Deposition of Mr. Delassize.

MARCH 10, 1810.

The undersigned, Jean Delassize, a native and inhabitant of Louisiana, being forty-three years of age, on his oath declareth, that he is, and has been for four years, the proprietor of the ground at Terre au Bœuf, which was occupied by the troops under the command of General Wilkinson the past season; that no proposition was ever made to him, by or for General Wilkinson, directly or indirectly, respecting the purchase of said place, or any part of it; that no levee, or any part of one, was erected by the troops encamped on said ground, nor any other works made on it, but such as appeared necessary to the comfort of said troops; that said ground adjoined the cane field of this deponent, and that no clearing or other improvements was made on said ground to prepare for its cultivation; that the trenches and ditches, cut to keep the camp dry, were rather injurious than beneficial to the tillage of the ground, a large proportion of which was covered by clover. far before the troops came to it; that the accommodations made and materials brought to the ground for the use of the troops, were sold at public vendue for the account of the United

States; and that, for the pasturage furnished the public horses, for the timber and fuel used, and damages sustained during the occupancy of three months, the deponent received the sum of six hundred and forty dollars and fifty-four cents only.

The undersigned further declares that he has resided at the same place, and adjacent to the said camp, with a population of more than sixty souls, during the space of years, and that, from his observations and experience, he considers it as healthy a spot as any in the vicinity of New Orleans. A true copy from the original.

JEAN DELASSIZE.

Sworn before me, this 10th day of March, 1810.

J. DUCHANYU.

No. 7.

NATCHEZ, February 15, 1810.

General Wilkinson will please excuse the delay of my reply to his favor of the ninth instant, when I assure him that nothing but want of time prevented it sooner.

Very respectfully, sir, yours, &c.

F. SEIP.

The diseases most predominant during the last and preceding seasons, in this country, as far as it has come within my knowledge, were fevers of the intermitting and remitting kind, cholera, dysentery, and catarrh. The mortality attending these complains is by no means great, in comparison with the numbers attacked. A cause of this, no doubt, is the tendency most diseases here have to run into the intermitting state; a form of all others most immediately under the control of medicine, and one by which time is allowed to obviate a recurrence of the diseases. The violence of intermitting diseases at the same time being chiefly exerted upon the spleen and other abdominal viscera, unless arrested in time, impair the constitution, and thereby lay the foundation for other disorders, which, though slow, eventually destroy life.

The aptitude every form of disease has to run into that state, is so great, that peripneumonia, catarrh, ophthalmia, and even rheumatic affections, frequently partake of it, and very often require bark and other tonics to complete the cure.

The last epidemic we experienced in this country, was the influenza of the autumn of 1807, which commenced with the month of November, and continued during the greater part of that winter. Pleuritic symptoms combining with the influenza, contribute much to increase its mortality. A remarkable change in the character of that disease (pleurisy) took place at that period; cases occurring where it became necessary to use the lancet as freely as it ever is done in the Eastern States. Something of the same nature I think I have remarked in this disease often since, depletion being necessary to a much greater extent than I had seen it used previous to that year, and some of them in newly arrived Africans. Catarrhs have prevailed at different periods since, but not to so great a degree in force or extent.

Mortality in the Troops at New Orleans.

Some few cases, it ought to be observed, of that complaint, the last autumn, were strongly marked in their symptoms, such as accompanied the influenza of the year 1807. These were collections of matter in the antrum and frontal sinus; symptoms most characteristic of that disease, followed by the peculiar fœtid discharge from those cavities. Some instances have occurred, when the abscess was seated in the lungs; unattended, however, with hectic fever; the discharge as fœtid, soon, as in the other cases, relieved itself, and a speedy convalescence followed.

The only endemic disease of the past season was the intermitting fever; and so prevalent was it, that I have been frequently assured that nothing equal to it has been experienced for twenty years. This is ascribed, and with much probability, to the extreme rise of the Mississippi, covering the low grounds, and retiring during the summer. How far the influence of its banks and the adjacent low grounds on the western side of that river extends eastward, is yet undecided; but that it does, for a great distance, is evident from the similarity of the diseases of both countries. The diseases, in fact, of all the high lands in this neighborhood, are properly such as are generated upon low and marshy situations; many artificial causes, it is true, increase the evil, such as clearing the low grounds, erecting ponds, &c. During the last summer those situations which, in former seasons, were most exempt, became very subject to the prevailing diseases. The character of this endemic differed somewhat from the same disease of other years; a deep sighing was a very constant symptom of the remitting and intermitting fevers of the present year, with great pain at the pit of the stomach, and copious discharges of a dark color from the stomach and alimentary canal.

The access of the above diseases was, for the most part, preceded by a lassitude, slight rigor or chill, one or two days previous to the attack, recurring at regular periods daily, or every other day, and increasing in violence until the disease became fully marked. The chill varied in different cases, and was mostly attended by an exceedingly irritable state of the stomach, by vomiting. To this succeeded the fever, which continued from six to twenty-four hours, with excruciating pain of the head, back, and pit of the stomach. When the patient was robust and of a plethoric habit, the fever frequently set in with a very slight chill, and continued for two or three days before a complete intermission took place.

What the general effect of this climate might be upon a body of men subject to military habits, &c. I could not venture to say from experience; but the poorer class of emigrants, who annually visit this country from above—the first effect occasioned by intense heat, and other remote causes, upon persons of that description, discovers itself early in an attack of cholera morbus, remitting and intermitting fever, diarrhœa, or dysentery: the former are by much the most favorable forms of seasoning, as it is usually termed; the diarrhœa or dysentery are invariably the

worst, and at all times, a most serious complaint. This last form of disease, no doubt, would be the one most likely to occur, where improper diet, intemperance, and frequent exposure to the sudden changes of air, take place. The difficulty of restoring the tone of the bowels after an attack of that complaint, is such, that it not unfrequently baffles every attempt of medicine, and requires a change of climate to effect it.

To guard a large body of men against the occurrence of disease, from such numerous sources, would, without doubt, be a very difficult thing to accomplish, unless their arrival could be so managed as to inure, in some measure, the constitution gradually to the change of climate. This has been sometimes attempted in introducing fresh gangs of negroes into the Territory, and apparently with the happiest effect. Depletion here was substituted, and lenient exercise, for some time, together with a proper regimen, observed.

No. 8.

WASHINGTON, January 23, 1810.

SIR: As you have resigned the command of the troops to which we are attached, this letter cannot, by the most malignant, be ascribed to any improper motives, and we beg you to be assured that it proceeds from the most disinterested source, and is produced by a temper of justice only.

In offering to you our best wishes for your future health and happiness, we should not do justice to our feelings, nor your conduct, if we omitted to acknowledge your incessant attention to the department of which we are members, or failed to give testimony to your solicitude, your tenderness for, and fostering care of the sick; for it was, sir, to the supplies of extraordinary comforts and necessities which you from time to time have ordered, that we owe the lives of many men; and whatever may have been the misrepresentations or misapprehensions which have gone forth on this subject, we have no doubt the consciousness of your own good conduct will afford you the richest reward under heaven.

We have the honor to remain, your very obedient and humble servants,

J. W. DANIEL,
Hospital Surgeon, U. S. A.

D. CLAUDE,
Surgeon Light Artillery.

ALFRED THRUSTON,
Surgeon 7th Infantry.

WM. UPSHAW,
Surgeon 5th Infantry.

SMITH CUTLER,
Surgeon Rifle Corps.

LEWIS DUNHAM,
Surgeon Dragoons.

THOMAS PINKERTON,
Surgeon's Mate U. S. Army.

A. G. GOODLET,
Surgeon's Mate 7th Infantry.

THOMAS LAWSON,
Surgeon's Mate.

General WILKINSON.

Allowance of Drawback.

ALLOWANCE OF DRAWBACK.

[Communicated to the House, February 21, 1810.]

Mr. NEWTON, from the Committee of Commerce and Manufactures, to whom was referred the petition of George Armroyd & Co., made the following report:

The petitioners state that, on the 10th of July, 1807, certain goods, wares, and merchandise, were imported in the schooner Christianstadt, into the United States, viz: at Wilmington, in the district of Delaware, and that the same were afterwards transported, coastwise, in the sloops Carolina and Ann, to Philadelphia.

That, on the 2d day of October, 1809, Mr. Percival, one of the partners of the firm, made application, at the custom-house of Philadelphia, to know whether the merchandise was then entitled to drawback: the deputy collector and naval officer, on examination, determined that the merchandise was entitled to the drawback, and would continue so if shipped on the 3d or 4th of October.

That, on the 3d of October, the merchandise was shipped for a foreign port, after having previously obtained the export permits. The petitioners further state, that, at the usual period, certificates for debentures were issued, subscribed by the deputy collector and naval officers, and delivered to the petitioners, to enable them to receive, from the collector at Wilmington, the amount of the drawback, and that, on the application of the petitioners to the collector of Wilmington, for the amount of the debentures, he refused to pay the same, alleging as a reason, that the merchandise had been too long within the United States to be entitled to the drawback of duties. All the facts set forth in this statement are supported by custom-house certificates. Two letters, one from the Comptroller of the Treasury, and the other from the deputy collector of the custom-house at Philadelphia, accompany the petition. By the computation of the Comptroller, the time during which the merchandise was entitled to a drawback, had expired by a day, but, from the calculation made by the deputy collector and naval officer of Philadelphia, the exportation took place two days within the period allowed for transshipments of merchandise with benefit of drawback.

The committee are of opinion, that the drawback of duties in this case, as made out by George Armroyd and Company, ought to be allowed, inasmuch as they were induced to make the shipment of merchandise for a foreign market, under a conviction that the same was entitled to the allowance of a drawback of duties, by the decision of the deputy collector and naval officer of the custom-house at Philadelphia, whose province it is to superintend importations and exportations of merchandise.

The committee are disposed to exact a strict compliance with law, in matters of great public concern, when the party acts spontaneously, or from advice of persons not clothed with the insignia of office; but, under the circumstances of

this case, they do not admit that it comports either with the honor or justice of the National Legislature, to take advantage of an error, if error it be, committed by citizens acting in conformity to the decision of its authorized agents. It appears, from the documents before the committee, that George Armroyd and Company would never have exported the merchandise had they not been previously assured, by the proper authority, that the drawback of duties would be allowed. The difficulty in this case arises in a great measure in the three following circumstances: 1st. The time allowed for the exportation, with an allowance of the drawback, being made up of parts of different years; 2d. The deduction of the time during which the embargo was in force, viz: from the 22d of December, 1807, to the 15th of March, 1809; and, 3dly. The intervention of leap year.

The committee are not disposed to rest the claim of the parties to the justice of the National Legislature on either of the three points stated.

Their decision is founded on the official acts of the deputy collector and naval officer of the port of Philadelphia. The letter of Mr. Graff, the deputy collector, clearly proves that the petitioners acted fairly, and in strict conformity to the usage of the custom-house.

Though the committee make their decision in favor of the parties, on the grounds stated, yet they are satisfied it might be made to depend, with great propriety, on the other points. The calculation of the Comptroller of the Treasury, contained in his letter, to which the committee beg leave to refer, differs from that made by officers of the customs at least by a day. According to strict and fair computation, it appears that the additional day in leap year should be given as a day of grace to the petitioners. If there had been no embargo, part of leap year would have been computed in the time allowed for the exportation with benefit of drawback. It never was the intention of the Legislature to narrow the privilege of exportation with the allowance of drawback of duties, existing at the time the embargo was laid, as is clearly evinced by the passage of the law, to prevent the time, during which the embargo should be in force, being computed as making part of the term of twelve calendar months, during which, goods, wares, or merchandise, imported into the United States, must be exported, in order to be entitled to a drawback of the duties paid on the importation. If there had been no suspension of foreign trade, the impression on the committee, from the statement of the deputy collector, Mr. Graff, is, that the additional day would have been allowed to the petitioners.

From this view of the case, the committee respectfully submit the following resolution:

Resolved, That the prayer of the petitioners is reasonable, and ought to be granted.

—
TREASURY DEPARTMENT,
Comptroller's Office, Dec. 8, 1809.

SIR: Your letter of the fourth, with one from Mr. Graff, relative to an exportation of merchan-

Allowance of Drawback.

dise imported into the district of Delaware, and exported from Philadelphia, is received.

The collector of Delaware has been informed that the exportation was not made in time, and therefore, that the merchandise was not entitled to drawback.

The date of importation was the 10th of July, 1807, and the export entry was on the 3d of October, 1809. Including the day of importation and that of exportation, and excluding the time that the embargo was in force, there will remain three hundred and sixty-six days.

Now, as three hundred and sixty-six days are made up of parts of the years 1807 and 1809, and the intermediate was leap year, there can be no question but that the goods were exported too late by one day. The law requires that an exportation for drawbacks shall be made in twelve calendar months, and those months will always be comprehended in three hundred and sixty-five days, except in leap year, in which three hundred and sixty-six days are contained.

Enclosed is a copy of the calculation made at the Treasury.

I am, sir, respectfully, your obedient servant,
G. DUVALL.

JOHN STEELE, Esq.

Imported July 10, 1807.

	Days.
July - - - - -	21
August - - - - -	31
September - - - - -	30
October - - - - -	31
November - - - - -	30
December - - - - -	21
	<hr/> 164

1809.

March - - - - -	16
April - - - - -	30
May - - - - -	31
June - - - - -	30
July - - - - -	31
August - - - - -	31
September - - - - -	30
October - - - - -	3
	<hr/> 202
	<hr/> 366
	<hr/>

PHILADELPHIA, December 4, 1809.

SIR: On the 2d of October last, whilst yet acting as your deputy, Mr. Percival, of the house of George Armoyd and Company, came to your office, (you were just then absent,) and asked me whether goods imported on the 10th of July, 1807, were entitled to drawback, and when the time would expire. There was a considerable press of business at the time, and I asked him, have you tried the time, and do you say they are entitled to drawback? He answered he had, and that they were entitled thereto. I think I replied, if you are sure, there is no occasion for me to try; make out your entries, and get permit to

ship your goods. He answered, that he wished me to examine, as a little while past I had declared the time to have expired in the case of some other goods, when he thought they were entitled to drawback. I did try, and made the time to expire on the 3d or 4th; at same time I gave the date to the deputy naval officer, and he agreed with me. He said they were ready to ship the goods then, but the vessel was in the hands of the carpenters, and as there appeared some time to spare, and the goods could be laden on board in a few hours, they did not take out the export permit until the following day; and had I not, on the solemn declaration I had taken, not to suffer the revenue of the United States to be defrauded, been satisfied the goods were entitled to drawback, I never would have issued the permits, qualified the exporter to his entries, suffered the export bonds to be signed, and then have issued the certificates to obtain the drawback in Delaware district, all which has been done. The deputy naval officer, under like conviction, did sign the export permit and certificate No. 2. I feel much concern to find that the collector of Delaware has refused to issue the debentures, and that the certificates No. 2, have been returned. This, I believe, is the only act of mine, since you have been in office, which is likely to give you trouble; and I regret it more particularly, that it should have happened on the eve of my declining my situation as your deputy. The bonds were signed on the 5th, of course. The certificates were of that date, in order to enable the collector to know when the debentures ought to be made payable. I am not yet convinced that these goods are not legally entitled to drawback. What says the law? vol. 4, sec. 75, page 395. "Drawbacks shall be allowed and paid on all goods, wares, and merchandise, imported into the United States, whereupon the duties shall have been paid, or secured to be paid, as, within twelve calendar months after payment or security given, shall be exported to any foreign port or place," &c. The collector of Delaware makes twelve calendar months to consist of three hundred and sixty-five days. They sometimes contain three hundred and sixty-six days. But, sir, the law has always been construed so as to take in the date of the month of importation, of the following year, viz: Goods imported on the 10th of July, in one year, if shipped on the 10th of July, in the following, have always received the drawback. Your books will show many instances of this kind, and no demur has ever been made at the Treasury. The law does not say within one year from the date of importation, but within twelve calendar months after payment, &c. A question would here arise, which I believe has never been agitated, when the twelve calendar months legally expire. A imports goods in a vessel entered at the custom-house on the 10th of July, 1809; he enters his goods on the 15th, and pays the duties. B has goods in the same vessel, and he secures the duties on the 20th. Quere. Do the twelve calendar months expire on the 15th, 20th, or the 10th of July, 1810? But, admitting the true construc-

Allowance of Drawback.

tion of the law to be after the date of importation, the calculations might be made in two days, which appear to be just and legal—say, in this case,

	Months.	Days.
After the 10th of July, 1807, to 31st of same month	-	21
August, September, October, November	-	4
To December 21st	-	21
After 15th March to 31st same month, 1809	-	16
April, May, June, July, August, September	-	6
October 1st to 3d	-	3
	10	61

Or thus, which is according to common usage:

	Months.	Days.
After 10th of July to 10th December, 1807	-	5
To 21st December	-	11
After 15th March to 15th September, 1809	-	6
To October 3d	-	18
	11	29

Eleven months and twenty-nine days. This appears to be the law ; it does not say three hundred and sixty-five or three hundred and sixty-six days. Suppose the law to say within three calendar months from the date of importation.

January 1st, to March 31st, would be ninety days for three calendar months ; February 1st, to April 30th, would be eighty-nine days for three calendar months ; March 1st, to May 31st, would be ninety-two days for three calendar months.

The collector of Delaware's calculation is certainly incorrect. I cannot be persuaded but that the exporters, George Armroyd and Company, are legally entitled to the drawback in question, and I respectfully request you will be pleased to lay this statement before G. Duvall, Esq., Comptroller of the Treasury, who, I trust, will under the peculiar circumstances of the case, and giving the law a liberal construction, be induced to admit the claim, and direct payment thereof, by the collector of the district of Delaware.

Respectfully, I am, sir, &c.

JOHN GRAFF.

JOHN STEELE, Esq.,
Collector of Philadelphia.

PUBLIC ACTS OF CONGRESS;

PASSED AT THE FIRST AND SECOND SESSIONS OF THE ELEVENTH CONGRESS, BEGUN AND HELD AT THE CITY OF WASHINGTON, MAY 22, AND NOV. 27, 1809.

FIRST SESSION.

An Act respecting the ships or vessels owned by citizens or subjects of foreign nations with which commercial intercourse is permitted.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, from and after the passing of this act, all ships or vessels owned by citizens or subjects of any foreign nation with which commercial intercourse is permitted by the act, entitled "An act to interdict the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes," be permitted to take on board cargoes of domestic or foreign produce, and to depart with the same for any foreign port or place with which such intercourse is or shall at the time of their departure, respectively, be thus permitted, in the same manner, and on the same conditions, as is provided by the act aforesaid, for vessels owned by citizens of the United States; anything in the said act, or in the act laying an embargo on all ships and vessels in the ports and harbors of the United States, or in any of the several acts supplementary thereto, to the contrary notwithstanding.

J. B. VARNUM,

Speaker of the House of Representatives.

GEO. CLINTON,

Vice President of the United States, and

President of the Senate.

Approved, May 30, 1809.

JAMES MADISON.

An Act making further appropriations to complete the fortifications commenced for the security of the ports and harbors of the United States, and to erect such fortifications as may be necessary for the protection of the Northern and Western frontiers of the United States.

Be it enacted, &c., That, for the purpose of completing the fortifications commenced for the security of the seaport towns and harbors of the United States, and Territories thereof, and for erecting such fortifications as may, in the opinion of the President of the United States, be deemed necessary for the protection of the Northern and Western frontiers, there be and hereby is appropriated the sum of seven hundred and fifty thousand dollars, to be paid out of any moneys in the Treasury not otherwise appropriated.

Approved, June 14, 1809.

An Act authorizing the appointment of an agent for the land office at Kaskaskia, and allowing compensation to the Commissioners and clerk.

Be it enacted, &c., That the Secretary of the Treasury be and he is hereby authorized to employ an agent, whose compensation shall not exceed five hundred dollars in full for all his services, for the purpose of appearing before the Board of Commissioners for adjusting the claims to land in the Kaskaskia district, in behalf of the United States, to investigate the claims for land, and to oppose all such as he may deem fraudulent and unfounded.

SEC. 2. *And be it further enacted,* That five hundred dollars shall be allowed to each of the said Commissioners and to the clerk of the Board, as compensation for their services, rendered in the year one thousand eight hundred and eight.

Approved, June 15, 1809.

An Act supplementary to an act, entitled "An act making appropriations for carrying into effect a treaty between the United States and the Chickasaw tribe of Indians; and to establish a land office in the Mississippi Territory."

Be it enacted, &c., That so much of the lands ceded to the United States by the Cherokee and Chickasaw Indians, as lies within the Mississippi Territory, and for which a land office was directed to be established, by the second section of the act to which this act is a supplement, shall, with the exception of section number sixteen in each township, which shall be reserved for the use of schools within the same, and with the exception of the salt springs and lands contiguous thereto, which, by the direction of the President of the United States, may be reserved for the future disposal of the said United States, be offered for sale to the highest bidder, under the direction of the register of the land office and of the receiver of public moneys, at the place where the land office is established, and on the day or days which shall have been designated by proclamation of the President of the United States for that purpose; the sales shall remain open for six weeks, and no longer; the lands shall not be sold for less than two dollars an acre, and shall be sold in tracts of the same size, and in all respects on the same terms and conditions as have been or may be by law provided for the sale of the other public lands in

Public Acts of Congress.

the Mississippi Territory. All the lands of the United States in the said district, with the exceptions above-mentioned, remaining unsold at the close of the public sales, may be disposed of at private sale, by the register of the land office, in the same manner, under the same regulations, for the same price, and on the same terms and conditions, as are or may be provided by law for the sale of the lands of the United States in the Mississippi Territory; and patents shall be obtained for lands sold in said district, in the same manner, and on the same terms, as are provided by law for other public lands sold in the Mississippi Territory.

Sec. 2. And be it further enacted, That the superintendents of the public sales, directed by this act, shall each receive six dollars a day, for every day's attendance on the said sales.

Approved, June 15, 1809.

An Act to continue in force "An act declaring the assent of Congress to a certain act of the State of South Carolina, passed the twenty-first of December, one thousand eight hundred and four."

Be it enacted, &c., That the act of the twenty-eighth of March, one thousand eight hundred and six, entitled "An act declaring the consent of Congress to an act of the State of South Carolina, passed on the twenty-first day of December, one thousand eight hundred and four, so far as the same relates to authorizing the City Council of Charleston to impose and collect a duty on the tonnage of vessels from foreign ports," be and the same is hereby continued in force from the passage of this act for five years, and thence to the end of the next session of Congress thereafter, and no longer.

Approved, June 15, 1809.

An Act to fix the time for the next meeting of Congress.

Be it enacted, &c., That, after the adjournment of the present session, the next meeting of Congress shall be on the fourth Monday of November next.

Approved, June 24, 1809.

An Act for the remission of certain penalties and forfeitures, and for other purposes.

Be it enacted, &c., That the President of the United States be and he is hereby authorized to remit any penalty or forfeiture which may have been incurred in consequence of any of the provisions of the act, entitled "An act to prohibit the importation of slaves into any port or place within the jurisdiction of the United States, from and after the first day of January, in the year of our Lord one thousand eight hundred and eight," by any person who may have been concerned in bringing into any port or place within the jurisdiction of the United States, any slave or slaves, owned by any person or persons who shall have been forcibly expelled from the island of Cuba, by order of the Government thereof: and the President of the United States is hereby further

authorized to release all vessels and other effects, which may have been or may hereafter be seized therefor: *Provided,* That he shall be first satisfied, in every case, that the person thus concerned in bringing in such slave or slaves as aforesaid, was impelled thereto, by circumstances which, in the judgment of the President of the United States, would justify the act; and without any intention on the part of such person voluntarily to evade any of the provisions of the act aforesaid: *And provided, also,* That such slave or slaves shall have been brought into the United States in the same vessel and at the same time as their owner or owners respectively.

Sec. 2. And be it further enacted, That the President of the United States be and he is hereby authorized to make any arrangement with the Minister Plenipotentiary of France, which he may deem necessary and proper, for transporting such of the unfortunate exiles from the said island of Cuba, with their effects, as shall desire to depart from the United States to any port or place within the territories of France, her colonies, or dependencies, any law to the contrary notwithstanding: *Provided,* That the vessels transporting the same shall depart only in ballast, and without taking on board any other cargo than such sea stores as may be deemed necessary for the voyage in every case. And to enable the President to carry into effect any such arrangement, as well as for supplying, temporarily, such of the unfortunate exiles with the necessities of subsistence, as may be in actual want thereof, there be appropriated the sum of fifteen thousand dollars, or so much thereof as may be necessary for these objects, to be paid out of any money in the Treasury, not otherwise appropriated: *Provided, however,* That all moneys drawn out of the Treasury, in virtue of this act, shall be charged to the French Government, under such stipulations for reimbursing the same, on the part of the Minister Plenipotentiary of France, as, in the judgment of the President, may be deemed proper for that object.

Sec. 3. And be it further enacted, That all claim and demand of the United States to any moneys arising from the sale of the ship *Clara*, sold in pursuance of a decree of the district court for Orleans district, holden in March, one thousand eight hundred and nine, be and the same is hereby relinquished and remitted to Andrew Foster and Jacob P. Giraud, late owners of the said ship *Clara*, anything in any former law to the contrary notwithstanding.

Approved, June 28, 1809.

An Act to amend and continue in force certain parts of the act, entitled "An act to interdict the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes."

Be it enacted, &c., That the third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, seventeenth, and eighteenth sections of the act, entitled "An act to interdict the commercial inter-

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course between the United States and Great Britain and France, and their dependencies, and for other purposes," shall continue in force until the end of the next session of Congress: *Provided*, That nothing therein contained shall be construed to prohibit any trade or commercial intercourse which has been or may be permitted in conformity with the provisions of the eleventh section of the said act.

SEC. 2. *And be it further enacted*, That all acts repealed, or mentioned, or intended to be repealed by the said act, to interdict commercial intercourse between the United States and Great Britain and France, and their dependencies, shall be and remain repealed, notwithstanding any part of the same act which has been or may hereafter be revoked or annulled, or which may expire by its own limitation: *Provided*, That all the penalties and forfeitures which may have been incurred, or shall hereafter be incurred on account of any infraction of the act laying an embargo on all ships and vessels in the ports and harbors of the United States, or of any of the acts supplementary thereto, or of the act to enforce and make more effectual an act, entitled "An act laying an embargo on all ships and vessels in the ports and harbors of the United States," or of any of the provisions of the act to interdict the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes, shall, after the expiration of any of the said acts or of any provision thereof, be recovered and distributed in like manner as if the said acts and every provision thereof had continued in full force and virtue.

SEC. 3. *And be it further enacted*, That, during the continuance of this act, no ship or vessel, except such as may be chartered or employed for the public service by the President of the United States, shall be permitted to depart for any foreign port or place with which commercial intercourse has not been or may not be permitted by virtue of this act, or of the act to interdict the commercial intercourse between the United States and Great Britain and France and their dependencies, and for other purposes. And no ship or vessel bound to a foreign port or place with which commercial intercourse has been or may be thus permitted, except such as may be chartered or employed as aforesaid, shall be allowed to depart, unless the owner or owners, consignee or factor of such ship or vessel shall, with the master, have given bond with one or more sureties to the United States, in a sum double the value of the vessel and cargo, that the vessel shall not proceed to any port or place with which commercial intercourse is not thus permitted, nor be directly or indirectly engaged, during the voyage, in any trade with such port or place. And if any ship or vessel shall, contrary to the provisions of this section, depart from any port of the United States, without clearance, or without having given bond in the manner above-mentioned, such ship or vessel, together with her cargo, shall be wholly forfeited, and the owner or owners, agent, freighter, or factors, master, or commander of such ship or vessel,

shall, moreover, severally forfeit and pay a sum equal to the value of the ship or vessel, and of the cargo put on board the same: *Provided, always*, That the provisions of the eleventh section of the act to interdict the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes, shall extend to the prohibitions imposed by this section; which prohibitions shall cease to operate in the manner and under the limitations prescribed by the eleventh section aforesaid, in relation to any nation with which commercial intercourse may hereafter be permitted, in conformity with the provisions of the eleventh section aforesaid.

SEC. 4. *And be it further enacted*, That all penalties and forfeitures arising under, or incurred by virtue of this act, shall, during the continuance and after the expiration thereof, be recovered and distributed, and may be remitted or mitigated in the manner prescribed by the act to interdict the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes, and the acts therein referred to.

SEC. 5. *And be it further enacted*, That all the vessels which may have arrived at any port or place within the United States from Great Britain, her colonies or dependencies, between the twentieth day of May and the eleventh of June, one thousand eight hundred and nine, shall be exempted from all the forfeitures and penalties incurred in consequence of any violation of any of the provisions of the said act to interdict the commercial intercourse between the United States and Great Britain and France, and their dependencies.

Approved, June 28, 1809.

An Act supplementary to the act, entitled "An act making provision for the support of public credit, and for the redemption of the public debt."

Be it enacted, &c., That the powers vested in the Commissioners of the Sinking Fund, by the tenth section of the act to which this act is a supplement, shall extend to all the cases of reimbursement of any instalments or parts of the capital, or principal, of the public debt now existing, which may become payable according to law. And, in every case in which a loan may be made accordingly, it shall be lawful for such loan to be made of the Bank of the United States, anything in any act of Congress to the contrary notwithstanding.

Approved, June 28, 1809.

An Act making an appropriation to finish and furnish the Senate Chamber, and for other purposes.

Be it enacted, &c., That, to defray the expenses of finishing and furnishing the permanent Senate Chamber, its committee rooms, lobbies, and other apartments, the sum of fifteen thousand dollars is appropriated, to be paid out of any moneys in the Treasury not otherwise appropriated.

SEC. 2. *And be it further enacted*, That, to de-

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fray the expense incurred in fitting up the temporary Senate Chamber, and repairing and providing articles of furniture, the further sum of sixteen hundred dollars be appropriated, the same to be paid out of any moneys in the Treasury not otherwise appropriated.

Approved, June 28, 1809.

An Act to suspend for a limited time the recruiting service.

Be it enacted, &c., That so much of the act, entitled "An act to raise for a limited time an additional military force," as authorizes the enlisting of men for the term of five years, unless sooner discharged, be and the same is hereby suspended until twenty days after the next meeting of Congress.

Approved, June 28, 1809.

An Act making appropriations for defraying the expense of stationery, printing, and all other contingent expenses of the Senate and House of Representatives, during the present session of Congress.

Be it enacted, &c., That, for defraying the expense of stationery, printing, and all other contingent expenses of the Senate and House of Representatives, during the present session of Congress, the sum of nine thousand dollars be and the same hereby is appropriated, payable out of any money in the Treasury not otherwise appropriated.

Approved, June 28, 1809.

An Act authorizing the accounting officers of the Treasury Department to give credit to certain collectors of the customs for allowances paid by them to the owners and crews of fishing vessels.

Be it enacted, &c., That the accounting officers of the Treasury Department be and they are hereby authorized, in settling the accounts of the collectors of the customs, to give them credit for the respective sums which have been or may be paid for allowances to the owners and crews of fishing vessels, in lieu of drawback of the duties paid on the salt used by the same, to the thirty-first of December, one thousand eight hundred and seven.—Approved, June 28, 1809.

An Act concerning the Naval Establishment.

Be it enacted, &c., That the President of the United States, in the event of a favorable change in our foreign relations, be and he is hereby authorized to cause to be discharged from actual service, and laid up in ordinary, such of the frigates and public armed vessels, as, in his judgment, a due regard to the public security and interest will permit.

SEC. 2. *And be it further enacted,* That so much of the first section of an act, entitled "An act to authorize the employment of an additional force," passed at the last session of Congress, as requires the public armed vessels to be stationed at such ports and places on the seacoast, or to cruise on the seacoast of the United States and Territories thereof, be and the same is hereby repealed.—Approved, June 28, 1809.

ACTS PASSED AT THE SECOND SESSION.

An Act to authorize the transportation of certain documents free of postage.

Be it enacted, &c., That the members of Congress, the Secretary of the Senate, and the Clerk of the House of Representatives, be and they are hereby respectively authorized to transmit, free of postage, the Message of the President of the United States, of the twenty-ninth of November, one thousand eight hundred and nine, and the documents accompanying the same, printed by order of the Senate, and by order of the House of Representatives, to any post office within the United States, and Territories thereof, to which they may direct; any law to the contrary notwithstanding.

Approved, December 9, 1809.

An Act supplemental to an act, entitled "An act extending the right of suffrage in the Indiana Territory, and for other purposes."

Be it enacted, &c., That the Governor of the Indiana Territory, for the time being, be and he is hereby authorized and empowered to apportion

the Representatives among the several counties in said Territory, as he shall think proper, having regard to the numbers limited in the fourth section of the act to which this is a supplement, and to issue his writ for the election of such Representatives agreeably to the apportionment which he may make, at such time as he shall deem most convenient for the citizens of the several counties in said Territory.

SEC. 2. *And be it further enacted,* That so soon as the Legislature of the said Territory shall be convened, the number of Representatives in each county thereof shall be regulated by the General Assembly.

SEC. 3. *And be it further enacted,* That when any vacancy shall occur in the Legislative Council, by death, resignation or removal from office, or when from either of said causes there shall be no Delegate from said Territory to the Congress of the United States, the Governor shall in either case be authorized to issue his proclamation, directing an election to be held to supply such vacancy according to law.

Approved, December 15, 1809.

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An Act extending the time for issuing and locating military land warrants.

Be it enacted, &c., That the Secretary of War be authorized to issue military land warrants to such persons as have or shall, before the first day of March, one thousand eight hundred and thirteen, produce to him satisfactory evidence of the validity of their claims; which warrants, with those heretofore issued and not yet satisfied, shall and may be located in the names of the holders or proprietors thereof, prior to the first day of October, one thousand eight hundred and thirteen, on any unlocated parts of the fifty quarter townships and the fractional quarter townships, reserved by law for original holders of military land warrants.

Approved, December 19, 1809.

An Act to revive and continue in force, for a further time, the first section of the act, entitled "An act further to protect the commerce and seamen of the United States, against the Barbary Powers."

Be it enacted, &c., That so much of the act passed on the twenty-fifth day of March, one thousand eight hundred and four, entitled "An act further to protect the commerce and seamen of the United States, against the Barbary Powers," as is contained in the first section of the said act, (and which was revived and continued in force, for the time therein mentioned, by an act, entitled "An act to revive and continue in force, for a further time, the first section of the act, entitled 'An act further to protect the commerce and seamen of the United States, against the Barbary Powers,' passed the tenth day of January, one thousand eight hundred and nine,) be, and the same hereby is revived and continued in force, until the fourth day of March, one thousand eight hundred and eleven: *Provided however,* That the additional duty laid by the said section, shall be collected on all such goods, wares, and merchandise, liable to pay the same, as shall have been imported previous to that day.

Approved, January 12, 1810.

An Act in addition to the "Act to regulate the laying out and making a road from Cumberland, in the State of Maryland, to the State of Ohio."

Be it enacted, &c., That, in addition to the unexpended balance of the sum heretofore appropriated for the laying out and making a road from Cumberland, in the State of Maryland, to the State of Ohio, the sum of sixty thousand dollars be and the same is hereby appropriated, and to be expended under the direction of the President of the United States, in making said road between Cumberland, in the State of Maryland, and Brownsville, in the State of Pennsylvania, commencing at Cumberland; which sum of sixty thousand dollars, shall be paid out of the fund reserved for laying out and making roads to the State of Ohio, by virtue of the seventh section of an act, passed on the thirtieth day of April, one thousand eight hundred and two, entitled "An act to enable the people of the eastern division of

the Territory northwest of the river Ohio, to form a constitution and State Government, and for the admission of such State into the Union on an equal footing with the original States, and for other purposes."

Approved, February 14, 1810.

An Act to prescribe the mode in which application shall be made for the purchase of land at the several land offices; and for the relief of Joab Garret.

Be it enacted, &c., That, from and after the first day of June next, every person making application at any of the land offices of the United States, for the purchase at private sale of a tract of land, shall produce to the register a memorandum in writing, describing the tract which he shall enter, by the proper number of the section, half section, or quarter, (as the case may be,) and of the township and range, subscribing his name thereto, which memorandum the register shall file and preserve in his office.

SEC. 2. *And be it further enacted,* That Joab Garret shall be permitted to withdraw his entry, made on the second day of September, one thousand eight hundred and seven, at the land office at Vincennes, from the northwest quarter section number two, township number seven, south range number seven west; and the money paid by him, on the said entry, shall be placed to his credit, on any purchase he shall or may have made of public land in the same district.

Approved, February 24, 1810.

An Act further to provide for the refugees from the British provinces of Canada and Nova Scotia, and for other purposes.

Be it enacted, &c., That all persons having claims under the resolutions of Congress, passed the twenty-third day of April, one thousand seven hundred and eighty-three, and the thirteenth of April, one thousand seven hundred and eighty-five, as refugees from the British provinces of Canada and Nova Scotia, shall transmit to the War Office, within two years after the passing of this act, a just and true account of their claims to the bounty of Congress.

SEC. 2. *And be it further enacted.* That no other person shall be entitled to the benefits of the provisions of this act, than those of the following descriptions, or their widows and heirs, viz: First, those heads of families and single persons, not members of any such families, who were residents in one of the provinces aforesaid, prior to the fourth day of July, one thousand seven hundred and seventy-six, and who abandoned their settlements, in consequence of having given aid to the united colonies or States, in the Revolutionary war, against Great Britain, or with intention to give such aid, and continued in the United States, or in their service during the said war, and did not return to reside in the dominions of the King of Great Britain, prior to the twenty-fifth day of November, one thousand seven hundred and eighty three. Secondly, The widows and heirs of all such persons as were actu-

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ally residents as aforesaid, who abandoned their settlements as aforesaid, and died within the United States, or in their service during the said war; and thirdly. All persons who were members of families at the time of their coming into the United States, and who during the war entered into their service.

SEC. 3. *And be it further enacted*, That the proof of the several circumstances necessary to entitle the applicants to the benefits of this act, may be taken before a judge of the supreme or district court of the United States, or a judge of the supreme or superior court, or the first justice or first judge of the court of common pleas, or county court of any State.

SEC. 4. *And be it further enacted*, That at the expiration of fifteen months from and after the passing of this act, and from time to time thereafter, it shall be the duty of the Secretary for the Department of War, to lay such evidence of claims as he may have received, before the Secretary and Comptroller of the Treasury, and with them proceed to examine the testimony, and give their judgment, what quantity of land ought to be allowed to the individual claimants, in proportion to the degree of their respective services, sacrifices, and sufferings, in consequence of their attachment to the cause of the United States; allowing to those of the first class a quantity not exceeding one thousand acres and to the last class a quantity not exceeding one hundred, making such intermediate classes as the resolutions aforesaid and distributive justice may in their judgment require, and make report thereof to Congress. And in case any such claimant shall have sustained such losses and sufferings, or performed such service for the United States, that he cannot justly be classed in any one general class, a separate report shall be made of his circumstances, together with the quantity of land that ought to be allowed him, having reference to the foregoing ratio: *Provided*, That in considering what compensation ought to be made by virtue of this act, all grants, except military grants, which may have been made by the United States, shall be considered at the just value, thereof, at the time the same were made respectively, either in whole or in part, as the case may be, a satisfaction to those who may have received the same: *Provided also*, That no claim under this law shall be assignable, until after report made to Congress as aforesaid, and until the said lands be granted to the persons entitled to the benefit of this act.

SEC. 5. *And be it further enacted*, That all claims in virtue of said resolutions of Congress, which shall not be exhibited as aforesaid, within the time by this act limited, shall forever thereafter be barred: *Provided*, That no patent shall be issued to any person who may hereafter establish his claim under the said act, until he produce satisfactory evidence, to the Secretary of the Treasury, that he is at the time then being, a resident within the United States.

Approved, February 24, 1810.

An Act making appropriations for the support of Government during the year one thousand eight hundred and ten.

Be it enacted, &c. That, for the expenditure of the civil list, in the present year, including the contingent expenses of the several departments and offices; for the compensation of the several loan officers and their clerks, and for books and stationery for the same; for the payment of annuities and grants; for the support of the Mint Establishment; for the expense of intercourse with foreign nations; for the support of lighthouses, beacons, buoys, and public piers; for defraying the expenses of surveying the public lands, and for satisfying certain miscellaneous claims, the following sums be, and the same hereby are respectively appropriated, that is to say:

For compensation granted by law to the members of the Senate and House of Representatives, their officers and attendants, estimated for a session of four months and a half continuance, two hundred and one thousand four hundred and twenty-five dollars:

For the expense of fire wood, stationery, printing, and all other contingent expenses of the two Houses of Congress, thirty-four thousand dollars:

For all contingent expenses of the library of Congress, and for the Librarian's allowance for the year one thousand eight hundred and ten, eight hundred dollars:

For compensation to the President and Vice President of the United States, thirty thousand dollars:

For compensation to the Secretary of State, clerks, and persons employed in that department, including the sum of one thousand four hundred and seventy-eight dollars for compensation to his clerks, in addition to the sum allowed by the act of the twenty-first of April, one thousand eight hundred and six, fourteen thousand and thirty-eight dollars:

For the incidental and contingent expenses of the said department, one thousand three hundred and fifty dollars:

For printing and distributing the laws of the first and second session of the eleventh Congress, and printing the laws in newspapers, six thousand two hundred and fifty dollars:

For compensation to the Secretary of the Treasury, clerks, and persons employed in his office, including the sum of one thousand dollars for clerk hire, in addition to the sum allowed by the act of the twenty-first of April, one thousand eight hundred and six, sixteen thousand seven hundred dollars:

For the expense of translating foreign languages, allowance to the person employed in transmitting passports and sea-letters, and for stationery in the office of the Secretary of the Treasury, one thousand dollars:

For compensation to the Comptroller of the Treasury clerks, and persons employed in his office, including the sum of one thousand six hundred and thirty-nine dollars for compensation

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to his clerks, in addition to the sum allowed by the act of the twenty-first of April, one thousand eight hundred and six, fourteen thousand six hundred and sixteen dollars:

For expense of stationery, printing, and incidental and contingent expenses of the Comptroller's office, eight hundred dollars:

For compensation to the Auditor of the Treasury, clerks, and persons employed in his office, twelve thousand two hundred and twenty-one dollars:

For expense of stationery, printing, and incidental and contingent expenses of the Auditor's office, five hundred dollars:

For compensation to the Treasurer, clerks, and persons employed in his office, six thousand two hundred and twenty-seven dollars and forty-five cents:

For expense of stationery, printing and incidental and contingent expenses in the Treasurer's office, three hundred dollars:

For compensation to the Register of the Treasury, clerks, and persons employed in his office, sixteen thousand and fifty-two dollars and two cents:

For compensation to the messenger and door-keeper of the Register's office, for stamping and arranging the ship registers, ninety dollars:

For expense of stationery, printing, and all other incidental and contingent expenses in the Register's office, including books for the public stocks, and for the arrangement of the marine records, two thousand eight hundred dollars:

For fuel and other contingent and incidental expenses of the Treasury Department, four thousand dollars:

For defraying the expense of printing and stating the public accounts for the year one thousand eight hundred and ten, one thousand two hundred dollars:

For the purchase of books, maps, and charts, for the use of the Treasury Department, four hundred dollars:

For compensation to a superintendent employed to secure the buildings and records of the Treasury Department, during the year one thousand eight hundred and ten, including the expense of two watchmen, the repairs of two fire engines, buckets, lanterns, and other incidental and contingent expenses, one thousand one hundred dollars:

For compensation to the Secretary of the Commissioners of the Sinking Fund, two hundred and fifty dollars:

For compensation to the Secretary of War, clerks, and persons employed in his office, eleven thousand two hundred and fifty dollars:

For expense of fuel, stationery, printing and other contingent expenses of the office of the Secretary of War, one thousand dollars:

For compensation to the Accountant of the War Department, clerks, and persons employed in his office, ten thousand nine hundred and ten dollars:

For contingent expenses in the office of the Accountant of the War Department, one thousand dollars:

For compensation to the clerks employed in the Paymaster's office, three thousand four hundred dollars:

For contingent expenses in the said office, two hundred dollars:

For compensation of additional clerks in the office of the Superintendent of Indian trade, eight hundred dollars:

For compensation to the Purveyor of Public Supplies, clerks, and persons employed in his office, and for expense of stationery, store rent, and fuel for the said office, four thousand six hundred dollars:

For compensation to the Secretary of the Navy, clerks, and persons employed in his office, nine thousand eight hundred and ten dollars:

For expense of fuel, stationery, printing, and other contingent expenses in the said office, two thousand dollars:

For compensation to the Accountant of the Navy, clerks, and persons employed in his office, ten thousand four hundred and ten dollars:

For contingent expenses in the office of the Accountant of the Navy, one thousand dollars:

For compensation to the Postmaster General, Assistant Postmaster General, clerks, and persons employed in the Postmaster General's office, including the sum of one thousand five hundred and forty-five dollars for compensation to clerks, in addition to the sum allowed by the act of the twenty-first of April, one thousand eight hundred and six, sixteen thousand dollars:

For expense of fuel, candles, house rent for the messenger, stationery, chests, &c., pertaining to the Postmaster General's office, two thousand five hundred dollars:

For compensation to the several loan officers, thirteen thousand two hundred and fifty dollars:

For compensation to the clerks of the Commissioners of Loans, and for allowances to certain loan offices, in lieu of clerk hire, and to defray the authorized expense of the several loan offices, fifteen thousand dollars:

For compensation to the Surveyor General and his clerks, three thousand two hundred dollars:

For compensation to the Surveyor of the lands south of the State of Tennessee, clerks employed in his office, and for stationery and other contingencies, three thousand two hundred dollars.

For compensation to the officers of the Mint: The Director, two thousand dollars:

The Treasurer, one thousand two hundred dollars:

The Assayer, one thousand five hundred dollars:

The Chief Coiner, one thousand five hundred dollars:

The Melter and Refiner, one thousand five hundred dollars:

The Engraver, one thousand two hundred dollars:

One clerk at seven hundred dollars; and two clerks at five hundred dollars each, one thousand dollars:

For wages to the persons employed in the dif-

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ferent branches of melting, coining, carpenter's, millwright's, and smith's work, including the sum of one thousand dollars per annum, allowed to an assistant coiner and die-forger, who also oversees the execution of the iron work, and of six hundred dollars per annum allowed to an assistant engraver, eight thousand dollars:

For repairs of furnaces, cast rollers and screws, timber, bar-iron, lead, steel, potash, and for all other contingencies of the Mint, two thousand seven hundred and seventy-five dollars.

For compensation to the Governor, Judges, and Secretary of the Territory of Orleans, thirteen thousand dollars:

For expense of stationery and other contingent expenses of said Territory, three hundred and fifty dollars:

For compensation to the Governor, Judges, and Secretary of the Mississippi Territory, seven thousand eight hundred dollars:

For expense of stationery, office rent, and other contingent expenses of said Territory, three hundred and fifty dollars:

For compensation to the Governor, Judges, and Secretary of the Indiana Territory, six thousand six hundred dollars:

For expense of stationery, office rent, and other contingent expenses of said Territory, three hundred and fifty dollars:

For compensation to the Governor, Judges, and Secretary of the Michigan Territory, six thousand six hundred dollars:

For expense of stationery, office rent, and other contingent expenses of the said Territory, three hundred and fifty dollars:

For compensation to the Governor, Judges, and Secretary of the Louisiana Territory, six thousand six hundred dollars:

For expense of stationery, office rent, and other contingent expenses of the said Territory, three hundred and fifty dollars:

For compensation to the Governor, Judges, and Secretary of the Illinois Territory, six thousand six hundred dollars:

For expense of stationery, office rent, and other contingent expenses of said Territory, three hundred and fifty dollars:

For the discharge of such demands against the United States, on account of the civil department, not otherwise provided for, as shall have been admitted in a due course of settlement at the Treasury, two thousand dollars:

For additional compensation to the clerks in the several departments of State, Treasury, War, and Navy, and of the General Post Office, not exceeding for each department respectively, fifteen per centum, in addition to the sums allowed by the act, entitled "An act to regulate and fix the compensation of clerks, and to authorize the laying out certain public roads, and for other purposes," thirteen thousand two hundred and sixty-nine dollars and thirty-two cents:

For compensation granted by law to the Chief Justice, the Associate Judges and District Judges of the United States, including the Chief Justice and two Associate Judges for the District of Co-

lumbia; to the Attorney General, and to the District Judge of the Territory of Orleans, fifty-nine thousand four hundred dollars:

For the like compensation granted to the several District Attorneys of the United States, three thousand four hundred dollars:

For compensations granted to the several Marshals for the districts of Maine, New Hampshire, Vermont, New Jersey, North Carolina, Kentucky, Ohio, East and West Tennessee, and Orleans, two thousand two hundred dollars:

For defraying the expenses of the Supreme, Circuit, and District Courts of the United States, including the District of Columbia, and of jurors and witnesses, in aid of the funds arising from fines, forfeitures, and penalties, and for defraying the expenses of prosecutions for offences against the United States, and for the safe-keeping of prisoners, forty thousand dollars:

For the payment of sundry pensions granted by the late Government, nine hundred and sixty dollars:

For the payment of the annual allowance to the invalid pensioners of the United States, from the fifth of March, one thousand eight hundred and ten, to the fourth of March, one thousand eight hundred and eleven, ninety-eight thousand dollars:

For the maintenance and support of light-houses, beacons, buoys and public piers, stake-ages of channels, bars, and shoals, and certain contingent expenses, sixty-eight thousand one hundred and thirty-one dollars and four cents:

For erecting a light-house on St. Simon's island, in Georgia, and placing a buoy or buoys on or near the bar of St. Simon's, being the balance of former appropriations carried to the surplus fund, nine thousand and fifty dollars:

For erecting a beacon and placing buoys near the entrance of Savannah river, being an expense incurred under the act of the sixteenth day of July, seventeen hundred and ninety-eight, (a former appropriation for the same object having been carried to the credit of the surplus fund,) two thousand four hundred and ninety-four dollars and eighty-nine cents:

For erecting light-houses at the mouth of the Mississippi river, and at or near the pitch of Cape Lookout, in North Carolina, being the amount of an additional appropriation carried to the surplus fund, fifty-five thousand dollars:

For building a light-house at Naushawn island, near Tarpaulin Cove, in Massachusetts, being a balance of former appropriation carried to the surplus fund, two thousand four hundred and seventy-five dollars:

For rebuilding the light-house on North island, at the entrance of Win yaw bay, in South Carolina, being the amount of appropriation carried to the surplus fund, twenty thousand dollars:

For fixing buoys and stakes in and along the channel in Win yaw bay, leading to the harbor of Georgetown, South Carolina, being the amount of appropriation carried to the surplus fund, one thousand five hundred dollars:

For erecting a light-house on Point Judith,

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Rhode Island, in addition to the appropriation heretofore made for that purpose, two hundred dollars:

For defraying the expense of surveying the public lands within the several Territories of the United States, thirty thousand dollars:

For repaying the Bank of the United States, a sum advanced to the late collector of New Orleans, to enable him to pay drawbacks, one hundred thousand dollars:

For expenses of intercourse with foreign nations, forty-nine thousand four hundred dollars:

For the contingent expenses of intercourse with foreign nations, fifty thousand dollars:

For expenses of intercourse with the Barbary Powers, fifty thousand dollars:

For the contingent expenses of intercourse with the Barbary Powers, fifty thousand dollars:

For the relief and protection of distressed American seamen, including the sum of twenty thousand dollars to reimburse the bankers of the United States in London, and others, sums heretofore advanced by them for this object, twenty-five thousand dollars:

For expenses of prosecuting claims and appeals in the courts of Great Britain, in relation to captures of American vessels, and defending causes elsewhere, six thousand dollars:

To enable the accounting officers of the Treasury formally to pass the accounts of Timothy Pickering, late Secretary for the Department of State, the sum of seventy-eight thousand five hundred and eighty-three dollars and eleven cents, being the amount of former appropriations of moneys received and expended by him in that department, by the application of surplusses in some articles and appropriations to others in which the appropriations were deficient:

For the discharge of such miscellaneous claims against the United States not otherwise provided for, as shall have been admitted in due course of settlement at the Treasury, four thousand dollars.

SEC. 2. *And be it further enacted*, That the several appropriations hereinbefore made, shall be paid and discharged out of the fund of six hundred thousand dollars, reserved by an act making provision for the debt of the United States, and out of any moneys in the Treasury not otherwise appropriated.

Approved, February 26, 1810.

An Act making appropriations for the support of the Navy of the United States, for the year one thousand eight hundred and ten.

Be it enacted, &c., That, for defraying the expenses of the Navy of the United States, for the year one thousand eight hundred and ten, the following sums be and the same are hereby respectively appropriated, that is to say:

For the pay and subsistence of the officers, and pay of the seamen, seven hundred and eighteen thousand one hundred and fifteen dollars.

For provisions, three hundred and fifty-three thousand six hundred and ten dollars and eighty-four cents.

For medicines, instruments, and hospital stores, sixteen thousand dollars.

For repairs of vessels, one hundred and fifty thousand dollars.

For freight, store rent, commissions to agents, and other contingent expenses, seventy thousand dollars.

For pay and subsistence of the marine corps, including provisions for those on shore and forage for the staff, one hundred and forty thousand one hundred and twenty dollars and forty cents.

For clothing for the same, thirty-eight thousand three hundred and ninety-four dollars and seventy cents.

For military stores for the same, one thousand three hundred and ninety-eight dollars and seventy-five cents.

For medicines, medical services, hospital stores, and all other expenses on account of the sick belonging to the marine corps, two thousand dollars.

For quartermasters' and barrackmasters' stores, officers' travelling expenses, armorers' and carpenters' bills, fuel, premiums for enlisting, musical instruments, bounty to music, and other contingent expenses of the marine corps, fifteen thousand dollars.

For the expenses of navy yards, comprising dock and other improvements, pay of superintendents, store-keepers, clerks, and laborers, seventy-five thousand dollars.

For ordnance and small arms, seventy-five thousand dollars.

SEC. 2. *And be it further enacted*, That the several sums specifically appropriated by this act, shall be paid out of any moneys in the Treasury not otherwise appropriated.

Approved, March 2, 1810.

An Act making appropriations for the support of the Military Establishment of the United States, for the year one thousand eight hundred and ten.

Be it enacted, &c., That for defraying the expenses of the Military Establishment of the United States, for the year one thousand eight hundred and ten, for the Indian department, and for the expense of fortifications, arsenals, magazines, and armories, the following sums be and the same hereby are respectively appropriated, that is to say:

For the pay of the Army of the United States, eight hundred and sixty-nine thousand nine hundred and sixty-eight dollars.

For forage, sixty-four thousand six hundred and twenty-four dollars.

For subsistence, six hundred and eighty-five thousand five hundred and thirty-two dollars and five cents.

For clothing, two hundred and ninety-three thousand eight hundred and four dollars.

For bounties and premiums, thirty thousand dollars.

For the medical and hospital departments, fifty thousand dollars.

For camp equipage, fuel, tools, and transportation, two hundred and seventy thousand dollars.

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For ordnance, two hundred thousand dollars.

For fortifications, arsenals, magazines, and armories, including two thousand dollars for such a number of additional military store-keepers as may be required, two hundred and eighty-three thousand five hundred and seventy-four dollars and seventy-five cents.

For purchasing maps, plans, books, and instruments, two thousand five hundred dollars.

For contingencies, fifty thousand dollars.

For the salary of clerks employed in the military agents' offices, and the office of inspector of the army, three thousand five hundred dollars.

For the Indian department, one hundred and forty-six thousand six hundred dollars.

SEC. 2. *And be it further enacted*, That the several sums specifically appropriated by this act, shall be paid out of any moneys in the Treasury not otherwise appropriated.

Approved, March 2, 1810.

An Act for the appointment of an additional Judge, and extending the right of suffrage to the citizens of Madison county, in the Mississippi Territory,

Be it enacted, &c., That the citizens of Madison county, in the Mississippi Territory, qualified according to law, be and they are hereby authorized to elect one representative to the General Assembly of said Territory, and also to vote for one Delegate from said Territory, to the Congress of the United States, which election shall be held at the same time and in the same manner as is or may be provided by law for the elections in the several counties of said Territory.

SEC. 2. *And be it further enacted*, That an additional judge shall be appointed for the Mississippi Territory, who shall reside in said county of Madison, and have the same compensation which is by law allowed to the other judges of said Territory, and shall possess and exercise the same powers and jurisdiction within said county which are possessed and exercised in the county of Washington, in said Territory, by the judge appointed by virtue of an act, entitled "An act for the appointment of an additional judge for the Mississippi Territory and for other purposes," passed the twenty-seventh of March, one thousand eight hundred and four.

SEC. 3. *And be it further enacted*, That all final judgments and decrees, rendered in the superior courts of said counties of Washington and Madison, may be re-examined and reversed or affirmed, by the superior court of Adams county in said Territory, upon a writ of error issued from said superior court; which said superior court is hereby empowered, upon the reversal of any judgment or decree of said courts of Washington and Madison counties, to render such judgment as the court from whence the cause may have been removed ought to have rendered; except where a jury may be requisite to try issues or assess damages. In which cases the cause shall be remanded to the court where it originated; there to be proceeded in. And said superior court of Adams county, when sitting on

the trial of any cause removed as aforesaid, shall be composed of not less than two judges.

SEC. 4. *And be it further enacted*, That the Legislature of said Territory shall have power, and is hereby authorized, to establish a superior court in each county, which has been or may be formed within the bounds which compose the former district or county of Washington, to be holden by the judge who holds the superior court of Washington county in said Territory, which courts and the courts of Madison county to be holden at such times and places as said Legislature may direct. And all final judgments and decrees to be rendered by any superior court so established, may be re-examined and reversed or affirmed in the manner prescribed by the third section of this act, and the conditions on which any writ of error shall be obtained, and all other proceedings relative thereto, may be regulated by said Legislature.

SEC. 5. *And be it further enacted*, That so much of the act, entitled "An act for the appointment of an additional judge for the Mississippi Territory, and for other purposes," passed the twenty-seventh day of March, one thousand eight hundred and four, as comes within the purview of this act, be and the same is hereby repealed.

Approved, March 2, 1810.

An Act for altering the time for holding the District Court in Ohio.

Be it enacted, &c., That the sessions of the district court for the district of Ohio, by law appointed to be holden at Chillicothe, in the said district, on the first Mondays in February, June, and October, shall hereafter be holden at Chillicothe on the second Mondays of September and January annually.

SEC. 2. *And be it further enacted*, That in all writs, process, and recognisances, which may have been made returnable, and all suits, causes, process, and proceedings, which may have been continued to the first Monday of June next, shall be and hereby are made returnable and continued over to the session of said court which shall be holden on the second Monday of September next, and shall be as valid and proceeded on in the same manner, at said September session of said court, as if such writs, process, recognisances, suits, causes, and proceedings, had been originally made returnable to, and continued to said September session of said court.

Approved, March 26, 1810.

An Act providing for the third Census, or enumeration of the inhabitants of the United States.

Be it enacted, &c., That the Marshals of the several districts of the United States and of the District of Columbia, and the Secretaries of the Mississippi Territory, of the Indiana Territory, of the Michigan Territory, of the Illinois Territory, of the Louisiana Territory, and of the Orleans Territory, respectively, shall be and they are hereby authorized and required, under the direc-

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tion of the Secretary of State, and according to such instructions as he shall give pursuant to this act, to cause the number of the inhabitants within their respective Districts and Territories to be taken, omitting in such enumeration Indians not taxed, and distinguishing free persons, including those bound to service for a term of years, from all others; distinguishing also the sexes and colors of free persons, and the free males under ten years of age; and those of ten years and under sixteen; those of sixteen and under twenty-six; those of twenty-six and under forty-five; those of forty-five and upwards. And distinguishing free females under ten years of age; those of ten years and under sixteen; those of sixteen and under twenty-six; those of twenty-six and under forty-five; those of forty-five and upwards. For effecting of which, the marshals and secretaries aforesaid shall have power, and hereby are respectively authorized and required, to appoint one or more assistants in each county and city, in their respective districts and Territories, residents of the county and city for which they shall be appointed, and shall assign a certain division of his district or Territory to each assistant, which division shall not consist of more than one county or city, but may consist of one or more towns, townships, wards, hundreds, or parishes, plainly and distinctly bounded by water-courses, mountains, and public roads, or other monuments. And the said enumeration shall be made by an actual inquiry at every dwelling house, or of the head of every family within each district, and not otherwise. The marshals or secretaries, as the case may be, and their assistants, shall respectively take an oath or affirmation, before some judge or justice of the peace resident within their respective districts or Territories, previous to their entering on the duties by this act required. The oath or affirmation of the marshal or secretary shall be as follows: "I, A B, marshal of the district of —, (or secretary of the Territory of —, as the case may be,) do solemnly swear, or affirm, that I will well and truly cause to be made a just and perfect enumeration and description of all persons resident within my district or Territory, and return the same to the Secretary of State, agreeably to the directions of an act of Congress, entitled 'An act providing for the third census or enumeration of the inhabitants of the United States,' according to the best of my ability." The oath or affirmation of an assistant shall be: "I, A B, do solemnly swear (or affirm) that I will make a just and perfect enumeration and description of all persons resident within the division assigned to me for that purpose, by the marshal of —, (or the secretary of the Territory of —, as the case may be,) and make due return thereof to the said marshal (or secretary) agreeably to the directions of an act of Congress, entitled 'An act providing for the third census or enumeration of the inhabitants of the United States,' according to the best of my abilities." The enumeration shall commence on the first Monday of August next, and shall close within nine calendar months thereafter. The several

assistants shall, within the said nine months, transmit to the marshals or secretaries, by whom they shall be respectively appointed, accurate returns of all persons, except Indians not taxed, within their respective divisions; which returns shall be made in a schedule distinguishing in each county, city, town, township, hundred, ward, or parish, the several families, by the names of their master, mistress, steward, overseer, or other principal person therein, in the manner following, that is to say: The number of persons within my division, consisting of —, appears in a schedule hereto annexed, subscribed by me this — day of — A B, assistant to the marshal of —, or secretary of —.

Schedule of the whole number of persons within the division allotted to A B.

Name of the county, parish, township, town, or city, where the family reside.
Names of heads of family.
Free white males under ten years of age.
Free white males of ten, and under sixteen.
Free white males of sixteen, and under twenty-six, including heads of families.
Free white males of twenty-six, and under forty-five, including heads of families.
Free white males of forty-five and upwards, including heads of families.
Free white females under ten years of age.
Free white females of ten years, and under sixteen.
Free white females of sixteen, and under twenty-six, including heads of families.
Free white females of twenty-six, and under forty-five, including heads of families.
Free white females of forty-five and upwards, including heads of families.
All other free persons, except Indians not taxed.
Slaves.

SEC. 2. *And be it further enacted*, That every assistant failing or neglecting to make a proper return, making a false return of the enumeration to the marshal, or the secretary, (as the case may be,) within the time limited by this act, shall forfeit the sum of two hundred dollars.

SEC. 3. *And be it further enacted*, That the marshals and secretaries shall file the several returns aforesaid, and also an attested copy of the aggregate amount hereinafter directed to be transmitted by them respectively to the Secretary of State, with the clerks of their respective districts, or superior courts, (as the case may be,) who are hereby directed to receive and carefully preserve the same. And the marshals and secretaries, respectively, shall, on or before the first day of March, one thousand eight hundred and eleven, transmit to the Secretary of State the aggregate amount of each description of persons within their respective districts or Territories. And every marshal or secretary failing to file the returns of his assistant, or any of them, with the clerks of their respective courts as aforesaid, or failing

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to return the aggregate amount of each description of persons in their respective districts or Territories, as required by this act, and as the same shall appear from said returns to the Secretary of State, within the time limited by this act, shall for every such offence, forfeit the sum of eight hundred dollars; all which forfeitures shall be recoverable in the courts of the districts or Territories where the said offences shall be committed, or in the circuit courts to be held within the same, by action of debt, information or indictment; the one-half thereof to the use of the United States, and the other half to the informer; but where the prosecution shall be first instituted on behalf of the United States, the whole shall accrue to their use. And for the more effectual discovery of such offences, the judges of the several district courts in the several districts, and of the Supreme Courts in the Territories of the United States, as aforesaid, at their next sessions, to be held after the expiration of the time allowed for making the returns of the enumeration hereby directed to the Secretary of State, shall give this act in charge to the grand juries in their respective courts, and shall cause the returns of the several assistants and the said attested copy of the aggregate amount aforesaid to be laid before them for their inspection.

SEC. 4. *And be it further enacted*, That every assistant shall receive at the rate of one dollar for every hundred persons by him returned, where such persons reside in the country; and where such persons reside in a city or town, containing more than three thousand persons, such assistant shall receive at the rate of one dollar for every three hundred persons; but where, from the dispersed situation of the inhabitants, in some divisions, one dollar for every hundred persons shall be insufficient, the marshals or secretaries, with the approbation of the judges of their respective districts or Territories, may make such further allowance to the assistants in such divisions as shall be deemed an adequate compensation; provided the same does not exceed one dollar and twenty-five cents for every fifty persons by them returned. The several marshals and secretaries shall receive as follows; The marshal of the district of Maine, two hundred and fifty dollars; the marshal of the district of New Hampshire, two hundred and fifty dollars; the marshal of the district of Massachusetts, three hundred dollars; the marshal of the district of Rhode Island, one hundred and fifty dollars; the marshal of the district of Connecticut, two hundred dollars; the marshal of the district of Vermont, two hundred and fifty dollars; the marshal of the district of New York, four hundred dollars; the marshal of the district of New Jersey, two hundred dollars; the marshal of the district of Pennsylvania, four hundred dollars; the marshal of the district of Delaware, one hundred dollars; the marshal of the district of Maryland, three hundred dollars; the marshal of the district of Virginia, five hundred dollars; the marshal of the district of Kentucky, three hundred dollars;

the marshal of the district of North Carolina, three hundred and fifty dollars; the marshal of the district of South Carolina, three hundred dollars; the marshal of the District of Columbia, fifty dollars; the marshal for the district of Georgia, three hundred dollars; the marshal of the district of East Tennessee, one hundred and fifty dollars; the marshal of the district of West Tennessee, one hundred and fifty dollars; the marshal of the district of Ohio, two hundred dollars; the secretary of the Mississippi Territory, two hundred dollars; the secretary of Indiana Territory one hundred dollars; the secretary of the Michigan Territory, one hundred dollars; the secretary of the Illinois Territory, one hundred dollars; the secretary of the Territory of Orleans, one hundred and fifty dollars; the secretary of the Territory of Louisiana, one hundred dollars.

SEC. 5. *And be it further enacted*, That every person whose usual place of abode shall be in any family on the aforesaid first Monday of August next, shall be returned, as of such family; and the name of every person who shall be an inhabitant of any district or Territory, without a settled place of residence, shall be inserted in the column of the schedule which is allotted for the heads of families, in that division where he or she shall be, on the said first Monday of August next; and every person occasionally absent at the time of enumeration, as belonging to that place in which he or she usually resides in the United States.

SEC. 6. *And be it further enacted*, That each and every free person more than sixteen years of age, whether heads of families or not, belonging to any family within any division, district, or Territory, made or established within the United States, shall be and hereby is obliged to render to such assistant of the division, if required, a true account, to the best of his or her knowledge, of all and every person belonging to such family, respectively, according to the several descriptions aforesaid, on pain of forfeiting twenty dollars, to be sued for and recovered in action of debt, by such assistant, the one-half for his own use, and the other half for the use of the United States.

SEC. 7. *And be it further enacted*, That each and every assistant, previous to making his return to the marshal or secretary, (as the case may be,) shall cause a correct copy, signed by himself, of the schedule containing the number of inhabitants within his division, to be set up at two of the most public places within the same, there to remain for the inspection of all concerned; for each of which copies the said assistant shall be entitled to receive two dollars, provided proof of the schedule having been so set up and suffered to remain, shall be transmitted to the marshal or secretary, (as the case may be,) with the return of the number of persons; and in case any assistant shall fail to make such proof to the marshal or secretary, as aforesaid, he shall forfeit the compensation by this act allowed him.

SEC. 8. *And be it further enacted*, That the Secretary of State shall be and hereby is authorized and required to transmit to the marshals of

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the several States, and to the secretaries aforesaid, regulations and instructions pursuant to this act, for carrying the same into effect, and also the forms contained therein of the schedule to be returned, and proper interrogatories to be administered by the several persons to be employed therein.

SEC. 9. *And be it further enacted*, That in case there shall be no secretary in either of the Territories of the United States, the duties directed by this act to be performed by the secretary may be performed by the Governor of such Territory, who shall receive the same compensation to which the secretary would be entitled for the performance of said duties, and be subject to the same penalties.

Approved, March 26, 1810.

An Act to prevent the issuing of Sea-Letters except to certain vessels.

Be it enacted, &c., 'That, from and after the thirtieth of June next, no sea-letter or other document certifying or proving any ship or vessel to be the property of a citizen or citizens of the United States, shall be issued except to ships or vessels duly registered, or enrolled and licensed as ships or vessels of the United States, or to vessels which at that time shall be wholly owned by citizens of the United States, and furnished with or entitled to sea-letters or other custom-house documents, any law or laws heretofore passed to the contrary notwithstanding: *Provided nevertheless*, That no sea-letter shall be issued to any vessel which shall not at this time be furnished or entitled to a sea-letter, unless such vessel shall return to some port or place in the United States or Territories thereof on or before the said thirtieth day of June next: *Provided nevertheless*, That no sea-letter or other document, certifying or proving any ship or vessel to be the property of a citizen or citizens of the United States, shall be issued to any vessel now abroad, which shall not at this time be furnished or entitled to a sea-letter, unless such vessel shall arrive at some port or place in the United States or Territories thereof, on or before the said thirtieth day of June next; and provided that nothing herein contained shall be construed to operate against any such vessel or vessels that now are, or may be, prior to the said thirtieth of June, detained abroad by the authority of any foreign Power.

Approved, March 26, 1810.

An Act making an appropriation for the purpose of trying the practical use of the Torpedo or sub-marine explosion.

Be it enacted, &c., That a sum not exceeding five thousand dollars be, and the same is hereby appropriated, payable out of any money in the Treasury not otherwise appropriated, to defray the expense which shall be incurred in any actual experiments, when the President of the United States shall deem it expedient to cause such experiments to be made, which shall be made under the immediate direction of the Secretary of

the Navy, for the purpose of ascertaining with precision how far the torpedo or sub-marine explosions may be usefully employed as engines of war, who is hereby directed to report to Congress the result of the experiment with his opinion thereon.

Approved, March 30, 1810.

An Act to make public a road in Washington county, in the District of Columbia.

Be it enacted, &c., That the road heretofore opened by the consent of the owners of the land over which the same passed, from the line of the District of Columbia, through the land of John Masters and John L. Naylor, to the lower bridge over the Eastern Branch of Potomac river, shall be, and is hereby declared to be a public highway; and shall be kept in repair, as other public roads in Washington county, in the District of Columbia, are kept in repair.

SEC. 2. *And be it further enacted*, That three commissioners, to be mutually appointed by the Levy Court of the county of Washington, in the District of Columbia, and the proprietors of the land over which the said road does or may pass or be laid out, be and they are hereby appointed commissioners, and they, or a majority of them, are hereby authorized and empowered to review the said road, and to cause the same to be surveyed and laid out, not exceeding thirty feet in width, and to cause a plot to be made thereof, and return the same, under their hands and seals, to the clerk of Washington county, to be by him recorded among the land records of said county.

SEC. 3. *And be it further enacted*, That the said commissioners, or a majority of them, shall ascertain and value the damage which any person, through whose land the said road passes, may sustain, by making the said road a public highway, and shall return to the Levy Court of Washington county a certificate of such valuation, the amount of which shall be levied by said court on the assessable property of said county and the City of Washington, and paid over to the person or persons entitled to receive the same.

Approved, March 30, 1810.

An Act to alter and amend an act, entitled "An act providing for the third census or enumeration of the inhabitants of the United States," passed the twenty-sixth day of March, one thousand eight hundred and ten.

Be it enacted, &c., That the enumeration mentioned in the first section of the act hereby amended, shall close within five months from the first Monday in August next, and the assistants shall make their returns to the marshals and secretaries within the said five months, anything in the said act to the contrary notwithstanding.

Approved, April 12, 1810.

An Act to incorporate a company for making certain turnpike roads in the District of Columbia.

Be it enacted &c., That Daniel Carrol, of Duddington, George W. P. Custis, Thomas Fenwick,

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John Tayloe, Samuel Harrison Smith, Daniel Brent, Daniel Rapine, Frederick May, Elias B. Caldwell, William Brent, James D. Barry, and John Law, be, and they are hereby appointed and constituted a board of commissioners, a majority of whom to constitute a quorum, with full power to receive and enter in such book or books, as they may deem proper, by themselves or by their agents, subscriptions for raising a capital stock of sixty thousand dollars, in shares of one hundred dollars each, for the purpose of opening, graveling, and improving the following roads in the District of Columbia, to wit: One road from the boundary line of the City of Washington, to the boundary line of the District of Columbia, in the most direct and practicable route from the Capitol to Baltimore. One road from the boundary line of the City of Washington, to the boundary line of the District of Columbia, in the most direct and practicable route from the Capitol to Montgomery court-house; and one road from the western extremity of the causeway leading from Alexander's island to the boundary line of the District of Columbia, in the most direct and practicable route towards the Little river turnpike road, in the State of Virginia. The times, places, and manner of receiving and entering subscriptions, and the manner of authenticating powers of attorney, or other instruments of writing authorizing subscriptions to be made by any person or persons in the name of any other person or persons, to be ascertained by said board of commissioners, and duly advertised in such gazettes or public prints as they may deem expedient: *Provided*, That no subscription shall be received, unless the sum of ten dollars be first paid into the hands of such agent or other person as said commissioners may authorize to receive it.

SEC. 2. *And be it further enacted*, That when any number of persons shall have subscribed one hundred and fifty shares or more of the said stock, the said commissioners, or a majority of them, may, and, when the whole number of shares aforesaid shall be subscribed, shall give notice in some newspaper, printed in the District of Columbia, of a time and place to be appointed for the subscribers to proceed to organize the said corporation, at which time and place the said subscribers, by a majority of votes, to be delivered by ballots in person, or by proxy duly authorized, shall elect one president and four directors, to conduct the business of said company for one year, and until other such officers shall be chosen in their place; and, at that or any subsequent legal meeting of stockholders, may make such rules, orders, and regulations, not inconsistent with the Constitution and laws of the United States, as shall be necessary for the well being of the affairs of said company: *Provided always*, That no stockholder shall, in person or by proxy, have more than twenty-five votes at any election, or in determining any question arising at such meeting, whatever number of shares he or she may hold: and each stockholder, in person or by proxy, shall be entitled to one vote for every share by him or her held, not exceeding said number; and all persons

who may then be, or thereafter may become, the actual holders or proprietors of shares in the said capital stock, either as subscribers for the same, or as the legal representatives, successors, or assignees, of such subscribers, shall become one body politic and corporate, in deed and in law, by the name and style of the "President, Directors and Company of the Columbia Turnpike Roads;" and by the said name shall have perpetual succession, and all the privileges incident to a corporation, and shall be capable of taking and holding their said capital stock, and the increase and profits thereof, and of enlarging the same by new subscriptions, if such enlargement shall be found necessary to fulfil the intent of this act, and of purchasing, taking, and holding, to them and their successors and assigns, in fee simple, or for any lesser estate, all such lands, tenements, hereditaments, and estate, real and personal, as shall be necessary or useful to them in the prosecution of their works, and of suing and being sued, of having a common seal, the same breaking and altering at pleasure, and of doing all and every other matter and thing, concerning the subject aforesaid, which a corporation or body politic may lawfully do.

SEC. 3. *And be it further enacted*, That the said company shall meet on the first Monday in January, in every year, at such place as shall be fixed by their by-laws, for the purpose of choosing such officers as aforesaid for the ensuing year, in manner aforesaid, and at such other times as they shall be summoned by the president and directors aforesaid, at which annual or special meetings, they shall have full power and authority to do and perform any act by law allowed, and pertaining to the affairs of said company; and the president and directors for the time being, shall hold their offices until others shall be appointed in their places; and the said corporation shall not be deemed to be dissolved, by reason of any defect of officers, but if it should happen that there should be no president or directors competent to call a meeting of stockholders, the same may be called by any stockholder, for the purpose of electing such officers, giving thirty days' notice of the time and place of such meeting, by advertisement, in a newspaper printed in the City of Washington.

SEC. 4. *And be it further enacted*, That the president and directors shall procure printed certificates for all the shares of said stock, and shall deliver one such certificate, signed by the president, to each person, for every share by him or her subscribed and held, which certificate shall be transferrable, at his or her pleasure, in person or by attorney, in the presence of the president, clerk, or treasurer, of said company, who shall witness the same, subject however to all payments due or to grow due thereupon: and the assignee holding any such certificate, having caused the assignment to be entered in a book of the company to be kept for that purpose, shall be a member of said company, and for every certificate by him held shall be entitled to one share in the capital stock and estate of said company; and if any stockholder, after thirty days' public notice in a

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newspaper printed in the City of Washington, of the time and place appointed for the payment of any portion or dividend of the sum prescribed in said stock, shall neglect to pay the same for the space of thirty days after the time so appointed, the share or shares on which such delinquency has taken place may be sold at public auction, and transferred by them to any person or persons, willing to purchase for such price as can be obtained; or in case any proprietor shall fail to pay any instalment which shall be duly assessed, such instalment, or any part thereof that shall remain deficient or unpaid, may be recovered of the person or persons, so failing to pay, by warrant from a justice of the peace, if the amount shall not exceed twenty dollars, and if the sum so due shall exceed twenty dollars, the same may be recovered by motion, in the name of the said company, or ten days' notice, in any court of record in the county or district where the debtor may be found; or by action at law in the usual course of judicial proceedings, at the option of said president and directors; and in all such warrants, motions, or actions, the certificate of the clerk or recording officer of the said company shall be conclusive evidence of the defendant's being a member of the company, and *prima facie* evidence of the amount due on the share or shares held by such defendant.

Sec. 5. *And be it further enacted*, That the said president and directors shall meet at such times and places as shall be agreed upon for transacting their business; at which meetings any three members shall form a quorum, who, in the absence of the president, may choose a chairman, and shall keep minutes of all their transactions, fairly entered in a book; and a quorum being met, they shall have full power and authority to appoint a treasurer and all other officers necessary or convenient, and agree with and appoint all such surveyors, intendants, artists, or other agents, as they shall judge necessary to carry on the intended works, and to fix their salaries, wages, or compensation; to direct and order the times, manner and proportions, when, and in which the stockholders shall pay moneys due on their respective shares; to draw orders on the treasurer for all moneys due from the said company, and generally to do and transact all such other matters and things as by the by-laws, rules, and regulations of said company, shall be required permitted.

Sec. 6. *And be it further enacted*, That upon application of the said president and directors of the said company to the circuit court of the District of Columbia, or to the judges thereof out of court, the said court or the judges, or any two of the judges thereof out of court, shall appoint three commissioners, not interested in any of the lands through which either of the said roads may be laid out, nor interested in the stock of the company hereby created, nor in the stock of any other turnpike company, who shall each receive from the said president, directors, and company, two dollars for every day they shall, respectively, be actually necessarily employed in or about the

affairs of the said company. And each of the said commissioners, before he proceeds to act as such, shall take and subscribe an oath or solemn affirmation, in the presence of a justice of the peace, "That he will well, faithfully, and impartially, according to the best of his skill and judgment, and without unnecessary delay, execute and perform all the duties required of him as a commissioner, under the sixth section of the act of Congress, entitled "An act to incorporate a company for making certain turnpike roads in the District of Columbia;" which oaths or affirmations, so subscribed and certified by the justice in whose presence they shall be severally taken and subscribed, shall be filed in the office of the clerk of the said circuit court, and enrolled among the land records of the county of Washington. And the said commissioners, or any two of them, being qualified as aforesaid, shall, upon the request of the said president and directors, cause to be surveyed, laid out, ascertained, described, and marked, by certain metes and bounds, each of the aforesaid turnpike roads described in the first section of this act, not less than sixty six feet in breadth, in such routes, tracts, or courses for the same, respectively, as in the best of their judgment will combine shortness of distance with the most convenient ground, and the smallest expense of money; and for this purpose it shall be lawful for them, and such agents, assistants, servants, or attendants as they may think proper to employ, to enter upon any of the lands through or near which the said roads, or either of them, may be laid out; having first given twenty days public notice, in some newspaper printed in the City of Washington, of the time and place of their entering on the said business of surveying and laying out each road respectively. And if any proprietor of any part of the lands, through which either of the said roads may be laid out, shall require compensation for so much of his or her said lands as may be occupied by the said roads, or either of them, or shall claim damages for or on account of the opening or laying out the said roads, or either of them, through his or her land, and if the said president and directors cannot agree with such proprietor respecting the same, then the said commissioners, at the request of either party, shall appoint a day and place to hear and decide upon such claim, and the amount of compensation and damages which such proprietor shall be entitled to receive from the said president, directors, and company therefor; first giving twenty days' notice to the adverse party, his or her agent or attorney in fact, or other legal representative, if either shall be within the District of Columbia; and if the party so notified shall fail to attend, or if the party shall be an infant under age, *non compos mentis*, *feme covert*, or absent out of the District of Columbia, and have no known agent, or other legal representative therein, then the said commissioners may proceed *ex parte* to hear and decide the same; and the award of them, or any two of them, made in writing, signed by them, or any two of them, shall by them be returned to the office of the clerk of the said

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court for the county of Washington, within ten days after such hearing; and a copy thereof shall, within ten days after such return, be served upon such of the parties as are resident in the District of Columbia; and if such award be not, at the session of the said circuit court, in the county of Washington, next after such return of the said award to the clerk's office, set aside on account of fraud or partiality in the said commissioners, the same shall be final and conclusive between the parties, and shall be recorded by the said clerk; and the sum so awarded being paid to the said clerk for the use of the person entitled to receive the same, the said land mentioned and described in the said award shall and may be taken and occupied as a turnpike road and public highway forever. And the said commissioners, upon completing the said survey of the said roads, or either of them, shall return a plat and certificate of such survey to the said clerk; and the same being accepted by the said court, shall be recorded by the said clerk, and thereupon the road so laid out shall be taken, used, and occupied as a turnpike road and public highway forever; and the said president, directors, and company may thereupon proceed to enter upon the same, and shall cause at least twenty-four feet in breadth, throughout the whole length thereof, to be made an artificial road, of stone, gravel, or other hard substance, of sufficient depth or thickness to secure a solid and firm road, with a surface as smooth as the materials will admit, and so nearly level, that it shall in no case rise or fall more than an angle of four degrees with a horizontal line; and the said road shall thereafter be kept in good and perfect repair; and wheresoever upon the said roads any bridge shall be deemed necessary, the same shall be built of sound and suitable materials. And in case either of the said commissioners should die, or refuse to act, or become incapacitated, or should be removed by the court for misconduct, the said court may appoint another in his place; and when, in the opinion of the said president and directors, either of the said roads shall be completed to the extent of twenty-four feet in breadth, the same shall be examined by the said commissioners, or any two of them; and if, in the opinion of them, or any two of them, the said road should have been completed to the extent of at least twenty-four feet in breadth, according to the meaning of this act, they shall certify the same to the said circuit court, or the judges thereof out of court; and their certificate being accepted by the said court, or any two judges thereof, and recorded, the said president and directors shall and may thereafter erect and fix such and so many gates and turnpikes, not exceeding two, upon and across each of the said roads, as shall be necessary and sufficient to collect the tolls hereinafter granted to the said company; and it shall be lawful for them to appoint such and so many toll-gatherers as they shall deem necessary to collect and receive of and from all and every person and persons using the said road or roads, the tolls and rates hereinafter mentioned, and to stop any person or persons riding, leading, or driving any

horses, mules, cattle, hogs, sheep, sulky, chair, chaise, phaeton, chariot, coach, cart, wagon, sleigh, sled, or any carriage of burden or pleasure from passing through the said gates until the said tolls shall be paid, that is to say: For the whole distance in length of the whole of the said roads, and so in proportion, as near as may be, for any less distance within the District of Columbia, viz., for every score of sheep, twenty cents; for every score of hogs, twenty cents; for every score of cattle, forty cents; and so in proportion for any greater or less number; for every horse or mule with a rider, twelve and an half cents; for every stage and wagon and two horses, thirty cents; for either carriage last mentioned with four horses, forty cents; for every led or driven horse or mule, six cents; for every sulky, chair, chaise, or carriage of pleasure with two wheels and one horse, twenty cents; for every coach, chariot, coachee, phaeton, or chaise, with four wheels and two horses, thirty-seven and an half cents; for any of the said carriages last mentioned, with four horses, fifty cents; for every other carriage of pleasure, under whatever name it may go, the like sums, according to the number of wheels and horses, in proportion aforesaid; for every sled or sleigh used as a carriage of pleasure, twelve and an half cents for each horse drawing the same; for every sled or sleigh used as a carriage of burden, eight cents for each horse drawing the same; for every cart or wagon, whose wheels do not exceed four inches in breadth, twelve and an half cents for each horse drawing the same; for every cart or wagon, whose wheels shall exceed in breadth four inches, and not exceed seven inches, six cents for every horse drawing the same; for every cart or wagon, the breadth of whose wheels shall be more than seven inches, and not more than ten inches, five cents for every horse drawing the same; for every cart or wagon, the breadth of whose wheels shall be more than ten inches, and not exceed twelve inches, four cents for every horse drawing the same. And that all such carriages as aforesaid, to be drawn by oxen in the whole, or partly by oxen, or to be drawn by mules in whole or part, two oxen shall be estimated as equal to one horse, in charging all the aforesaid tolls, and every mule as equal to one horse. And it shall be also the duty of the said commissioners, after hearing all parties, to decide and award what proportion of the cost already incurred of making the causeway from Alexander's island to the main land, and of the road from the said causeway to the west end of the Washington bridge, shall be paid by the president, directors, and company of the Columbia turnpike roads, to the president and directors of the Washington and Alexandria Turnpike Company; and also, in what proportion the former company shall contribute and pay towards the future repairs and improvements of the said causeway and road; and the award of the said commissioners, or any two of them, so made, shall be returned to the office of the clerk of the said court for the county of Washington; and, being accepted by the said court, and recorded, shall be final and conclusive.

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SEC. 7. *And be it further enacted*, That, in all cases where stone, gravel, earth, or sand, shall be necessary for making or repairing either of the said roads, and the said president, directors, and company, of the Columbia turnpike roads, cannot agree for the same with the owner thereof, then, by application by the said president and directors, or any person authorized by them, to any one of the judges of the said circuit court, he may, if he see cause, by warrant under his hand and seal, command the marshal of the said district to summon a jury of thirteen disinterested persons, qualified to serve as petit jurors in the said circuit court, to meet at the place where such materials may be, on some day, not more than ten days after the date of such warrant, and to give the other party five days notice of the said time and place, if such party be found within the District of Columbia; and if any of the said jurors should fail to attend at the said time and place, the marshal may immediately summon talesmen in the place of those who are absent, and shall administer an oath to the said jurors and talesmen, as the case may be, justly and impartially to value the said materials, and to assess the damage which the owner thereof shall sustain by the taking thereof by the said president, directors, and company, of the Columbia turnpike roads; which valuation and assessment of damages made by the said jurors, or a majority of them, shall be signed by the said marshal and the jurors, or so many of them as shall agree thereto, and be returned by the marshal to the said clerk of the said court for the county of Washington, to be by him recorded, and shall be conclusive between the parties; and a copy thereof shall be delivered to each of the parties, who may be resident in the District, and the sum so awarded and assessed being paid to the said clerk of the said court, for the use of the party entitled thereto, the said president and directors may proceed to take and carry away the said materials so valued for the purposes aforesaid. And the said president, directors, and company, shall pay the said marshal five dollars for his service in summoning and impannelling the said jury, and taking and returning the said inquest, and two dollars to each of the jurors so sworn.

SEC. 8. *And be it further enacted*, That, for the purpose of ascertaining the weight that may be drawn along the said road, in any cart, wagon, or other carriage of burden, it shall and may be lawful for the said president, managers, and company, to erect and establish scales and weights at or near such and so many of the gates erected, or to be erected, in pursuance of this act, as they may think proper; and where there may seem reasonable cause to suspect that any cart, wagon, or other carriage of burden, carries a greater weight than is or shall be by law allowable, it shall be lawful for the toll-gatherers, or other persons in their service or employment, to prevent the same from passing such gate or turnpike, until such cart, wagon, or carriage of burden, shall be drawn into the fixed or erected scales at or near any such gate or turnpike, and the weight or burden drawn

therein ascertained by weighing: and if the person or persons driving, or having care or charge of any such cart, wagon, or other carriage of burden, shall refuse to drive the same into any such scales for the purpose aforesaid, the person or persons so refusing shall forfeit and pay to the said president, managers, and company, any sum not less than five dollars, nor more than eight dollars, to be recovered in the manner hereinafter mentioned.

SEC. 9. *And be it further enacted*, That no wagon, or other carriage with four wheels, the breadth of whose wheels shall not be four inches, shall be drawn along the said road with a greater weight thereon than three tons; that no such carriage, the breadth of whose wheels shall not be seven inches, or being six inches or more shall roll at least ten inches, shall be drawn along the said roads with more than five tons; that no such carriage, the breadth of whose wheels shall not be ten inches or more, or being less shall not roll at least twelve inches, shall be drawn along the said road, with more than eight tons; that no cart or other carriage with two wheels, the same breadth of wheels as the wagons aforesaid, shall be drawn along the said road with more than half the burden or weight aforesaid; and if any cart, wagon, or carriage of burden, whatsoever, shall be drawn along the said road, with a greater weight than is hereby allowed, the owner or owners of such carriage, if the excess of burden shall be three hundred weight or upwards, shall forfeit and pay four times the customary tolls for the use of the company: *Provided, always*, That it shall and may be lawful for the said company, by their by-laws, to alter any or all the regulations herein contained respecting the burdens or carriages to be drawn over the said road, and to substitute other regulations, if, upon experiment, such alterations shall be found conducive to the public good: *Provided, nevertheless*, That such regulations shall not lessen the burdens of carriages above described.

SEC. 10. *And be it further enacted*, That the president and directors of the said company shall keep, or cause to be kept, fair and just accounts of all moneys to be received by them from the said commissioners first herein named, and from the stockholders or subscribers to the said undertaking, on account of their several subscriptions or shares, and of all moneys by them to be expended, in the prosecution of their said work, and shall once, at least, in every year, submit such accounts to a general meeting of the stockholders, until the said road shall be completed, and until all the costs, charges, and expenses, of effecting the same, shall be fully liquidated, paid, and discharged; and if upon such liquidation, or whenever the whole capital stock of the said company shall be nearly expended, it shall be found that the said capital stock will not be sufficient to complete the said roads, according to the true intent and meaning of this act, it shall and may be lawful for the said stockholders, being convened according to the provisions of this act or their by-laws and rules, to increase the amount

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to be paid on the shares from time to time to such extent as shall be necessary to accomplish the work, and to demand and receive the increased amount so to be required on such shares in like manner and under the like penalties as are hereinbefore provided for the original payments, or as shall be provided by their by-laws.

SEC. 11. *And be it further enacted*, That the said president and directors shall also keep, or cause to be kept, just and true accounts of all moneys to be received by their several collectors of tolls at the turnpike gates on the said roads, and shall make and declare a half yearly dividend of the clear profits and income thereof, all contingent costs and charges being first deducted, among all the holders of said stock, and shall publish the half yearly dividend aforesaid in some newspaper printed in the District of Columbia, and at the time and place when and where the same will be paid, and shall cause the same to be paid accordingly.

SEC. 12. *And be it further enacted*, That it shall be the duty of the said corporation to keep the said roads, as they are respectively completed, in good repair; and if, in neglect of their said duty, the said corporation shall at any time suffer the said roads to be out of repair, so as to be unsafe or inconvenient for passengers, the said corporation shall be liable to be presented for such neglect, before any court of competent jurisdiction, and upon conviction thereof, to pay to the United States a penalty not exceeding one hundred dollars, at the discretion of the court, and shall also be responsible for all damages which may be sustained by any person or persons in consequence of such want of repair, to be recovered in an action of trespass on the case in any court competent to try the same: *Provided always, and it is further enacted*, That, whenever the net proceeds of tolls collected on said roads shall amount to a sum sufficient to reimburse the capital which shall be expended in the purchase of such land and making said roads, and twelve per cent. interest per annum thereon, to be ascertained by the circuit court of the United States, in and for the District of Columbia, the same shall become free roads, and tolls shall be no longer collected thereon; and said company shall annually make returns to said circuit court of the amount of the tolls collected, and of their necessary expenses, so as to enable said circuit court to determine when said tolls shall cease.

SEC. 13. *And be it further enacted*, That, if any person or persons riding in or driving any carriage of any kind, or leading, riding, or driving, any horses, sheep, hogs, or any kind of cattle whatever, on said road, shall pass through any private gate, bars, or fence, or over any private way or passage, or pass through any toll-gate under any pretended privilege or exemption to which he, or she, or they, may not be entitled, or do any act or thing with intent to lessen or evade the tolls for passing through the gates established under this act, such person or persons, for every such offence, shall forfeit to the said president

and directors not less than three nor more than ten dollars, to be recovered before any justice of the peace, with costs, in the same manner that small debts are recoverable: *Provided*, That it shall not be lawful for the company to ask, demand, or receive, from or for persons living on or adjacent to the said roads, who may have occasion to pass by said roads upon the ordinary business relating to their farms, so far as the limits of the same may extend on the roads, respectively, who shall not have any other convenient road or way by which they may pass, from one part to another part thereof, any toll for passing on, or by either of the said turnpikes.

Approved, April 20, 1810.

An Act to amend an act, entitled "An act for the establishment of a turnpike company in the county of Alexandria, in the District of Columbia."

Be it enacted, &c., That it shall and may be lawful to and for the president and directors of the Washington and Alexandria Turnpike Company, in all cases where stone, gravel, earth, or sand, may be necessary for making or repairing the Washington and Alexandria turnpike road, and the President and Directors of the Washington and Alexandria Turnpike Company cannot agree for the same with the owners thereof, it shall and may be lawful for any one of the judges of the circuit court of the District of Columbia, upon application by the said president and directors, or any person authorized by them, by warrant under his hand and seal, to command the marshal of the said District to summon a jury of thirteen disinterested persons, qualified to serve as petit jurors in the said circuit court, to meet at the place where such materials may be, on some day not more than ten after the date of such warrant, and to give the other party five days' notice of the time and place, if such party be found within the District of Columbia, and if any of the said jurors should fail to attend at the said time and place, the marshal may immediately summon talesmen in the place of those who are absent, and shall administer an oath to the said jurors or talesmen as the case may be, justly and impartially to value the said materials, and to assess the damage which the owner thereof shall sustain by the taking thereof by the said president and directors, which valuation and assessment of damages made by the said jurors or a majority of them, shall be signed by the said marshal and the jurors, or so many of them as shall agree thereto, and be returned to the clerk of the said court for the county of Alexandria, to be by him recorded, and shall be conclusive between the parties; and a copy thereof shall be delivered to each of the parties who may be resident in the said District of Columbia, and the sum so awarded and assessed being paid to the said clerk of the said court, for the use of the party entitled thereto, the said president and directors may proceed to take and carry away the said materials so valued for the purposes aforesaid, and the said president

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and directors shall pay the said marshal five dollars for his service in summoning and impanneling the said jury, and taking and returning said inquest, and two dollars to each of the said jurors so sworn.

SEC. 2. *And be it further enacted*, That the president and directors aforesaid, may remove their toll-gate from the bridge that is made across Four Mile Creek, and place the same, and collect the tolls of their said road and bridge, on any part of the said road: *Provided*, That the said toll-gate shall not be placed any nearer to the town of Alexandria than where it now stands, nor more than half a mile from where it now is.

SEC. 3. *And be it further enacted*, That it shall and may be lawful for the president and directors of the said company, or a majority of them, to agree with the owners of any ground, to be occupied by the necessary toll-houses and gates, for the right thereof, or in case the owner thereof shall be a *feme covert*, under age, *non compos*, or out of the District, then the same shall be condemned, and paid for in the same manner, and subject to the same conditions as is provided by the act to which this is a supplement, for condemning the lands through which the road was to be conducted: *Provided*, The quantity of land so condemned does not exceed half an acre.

SEC. 4. *And be it further enacted*, That, to enable the said company immediately to complete and render sufficient the said road, according to the true intent and meaning of the said recited act, it shall and may be lawful for the stockholders of the said company, at any general meeting at which a majority of them in person, or by proxy, shall be present, to increase the number of shares to such extent as shall be necessary to accomplish the work on the road aforesaid, as now laid out, and to demand and receive the moneys subscribed for such shares in the like manner, and under the like penalties, as therein provided for the original subscriptions.

Approved, April 25, 1810.

An Act to allow the benefit of drawback on merchandise transported by land conveyance from Newport to Boston, and from Boston to Newport, in like manner as if the same were transported coastwise.

Be it enacted, &c., That all goods, wares, and merchandise, duly imported into either of the ports of Boston and Newport, which shall be transported by land conveyance from the port of Newport, by the way of Rhode Island bridge and Taunton, to Boston; or from Boston, by the same route, to Newport, and which being imported into Newport, shall be exported from Boston; or which, being imported into Boston, shall be exported from Newport, shall be entitled to the benefit of a drawback of the duties upon exportation, to any foreign port or place, under the same provisions, regulations, restrictions, and limitations, as if the said goods, wares, and merchandise were transported coastwise from one to

another of the said districts; and on the proviso that all the provisions, regulations, limitations, and restrictions existing in the case of goods, wares, and merchandise, transported by any of the routes mentioned in the seventy-ninth section of the act, entitled "An act to regulate the collection of duties on imports and tonnage," passed the second of March, one thousand seven hundred and ninety-nine, shall be duly observed.

Approved, April 25, 1810.

An Act to establish Post Roads.

Be it enacted, &c., That the following be established as post roads:

In the District of Maine.—From Portsmouth, N. H. by Kittery, York, Wells, Arundel, Biddeford, Saco, Scarborough, Cape Elizabeth, Portland, Falmouth, North Yarmouth, Freeport, Brunswick, Bath, Woolwich, Wiscasset, New Castle, Waldoboro', Warren, Camden, Canaan, Lincolnville, Northport, Belfast, Prospect, Buckstown, Orland, Trenton, Sullivan, Steuben, Harrington, Addison, Jones, Machias, Denneysville, and Scodic, to Calais.

From Dover, N. H. by Berwick and Doudy's Falls, to Arundel, or Kennebunk.

From Portland, by Gorham, Buckstown, Limerick, Limington, Cornish, Parsonfield, Newfield, Shapleigh, Lebanon, Berwick, Sanford, Alfred, Waterboro', and Phillipsburg, to Buxton.

From Portland, by Saccarappec, Gorham, Standish, Flintstown, Hiram, and Brownfield, to Frybush.

From Portland, by Windham, Raymond, Bridgetown, Lovell, Waterford, Norway, Paris, Buckfield, Sumner, Hartford, Livermore, Turner, Poland, New Gloucester, and Hebron Academy, to Paris.

From Portland, by Falmouth, Gray, New Gloucester, Lewistown, Green, Monmouth, Winthrop, Augusta, Sydney, Waterville, Fairfield, Canaan, to Norridgewock, and Anson.

From Brunswick, by Topsham, Bowdoinham, Gardiner, and Hallowell, to Augusta.

From Gardiner, by Pittstown and Dresden, to Wiscasset.

From Augusta, by Redfield, Mount Vernon, Chester, and New Sharon, to Farmington.

From Augusta, by Vassalboro', Winslow, Clinton, Fairfax, Unity, and Colletown, to Hampden.

From Wiscasset, by Edgecomb, to Boothbay.

From Wiscasset, by New Milford, Jefferson, Palermo, and Montville, to Belfast.

From Buckstown, by Frankfort, Hampden, and Bangor, to No. 1, 7th Range, and thence by Orrington, to Buckstown.

From Buckstown, by Penobscot, Castine, Sedgwick, and Blue Hill, to Buckstown, and from Castine to Lincolnville.

From Sullivan to Goldsboro'.

From Denneysville to Eastport.

In New Hampshire.—From Salisbury, Ms. by Seabrook, and Hampton, to Portsmouth.

From Portsmouth, by Durham, and Northwood, to Concord.

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From Portsmouth, by Exeter, and Kingston, to Haverhill, Ms.

From Portsmouth, by Exeter, Chester, Londonderry, Merrimack, Amherst, Petersboro', Marlboro', and Keene, to Walpole.

From Haverhill, Ms. by Chester, Concord, Hopkinton, Henniker, and Lemster, to Charleston.

From Haverhill, Ms. by Salem, to Windham.

From Tyngboro', Ms. by Dunstable, Amherst, Francistown, Washington, and Claremont, to Windsor, Vt.

From Portsmouth, by Nottingham, Epsom, Pembroke, Concord, Salisbury, Andover, Wilmot, Enfield, Lebanon, Hanover, Lime, Orford, Piermont, Haverhill, Bath, Littleton, Dalton, Lancaster, Cockburn, Colebrook, and Stuart, to Norfolk, Vt.

From Hanover, by Canaan, and Groton, to Plymouth.

From Salisbury, by Andover, New Chester, and Bridgewater, to Plymouth, thence by Holderness, New Hampton, and Sanbornton, to Salisbury.

From Newburyport, Ms. by Exeter, New Market, Durham, Dover, and Barrington, to Gilmanton.

From Portsmouth, by Dover, Rochester, Middletown, Ossipee, Moultonboro', Centre Harbor, Plymouth, and Haverhill, to Newbury; and from Plymouth, by New Hampton, Meredith, Gilmanton, Nottingham, and Durham, to Portsmouth.

From Friburg, Me. by Conway, Bartlett's, Rosebrooks, and Jefferson, to Lancaster.

From Winchendon, Ms. by Fitzwilliam, and Keene, to Brattleboro', Vt.

From Warwick, Ms. by Winchester, and Kinsdale, to Brattleboro', Vt.

From Ashby, Ms. by New Ipswich, and Jaffray, to Marlboro'.

In Vermont.—From Lansingburg, N. Y. by Bennington, Shaftsbury, Arlington, Manchester, Rutland, Pittsford, Brandon, Leicester, Salisbury, Middlebury, New Haven, Vergennes, Ferrisburg, Charlotte, Shelburn, Burlington, Colchester, Milton, Georgia, and St. Alban's, to Highgate.

From Williamstown, Ms. by Pownall, to Bennington.

From Brattleboro', by Marlboro', Wilmington, and Woodford, to Bennington.

From Rutland, by Clarendon, Shrewsbury, Plymouth, Reading, and Windsor, to Cavendish.

From Rutland, by Castleton, Fairhaven, Benson, Orwell, Shoreham, and Addison, to Vergennes.

From Middlebury, by New Haven, Monkton, Hynesburg, Williston, Jericho, Essex, Westford, Fairfax, Fairfield, and Sheldon, to Huntsburg; thence by Berkshire, Enosburg, Bakersfield, Cambridge, Underhill, Richmond, Huntington, Starksboro', and Bristol, to Middlebury, and from thence to Poultney, and also from Middlebury, by Royalton, to Hanover, N. H.

From Barnardstown, Ms. by Hinsdale, Brattleboro', Putney, Westminster, Walpole, Charles-

ton, Wethersfield, Windsor, Hartford, Norwich, Thetford, Fairlee, Bradford, Newbury, Ryegate, Barnet, Littleton, Concord, and Lunenburg, to Guildhall.

From Walpole, N. H. by Bellows Falls, Rockingham, Chester, Cavendish, Ludlow, and Shrewsbury, to Rutland.

From Windsor, by Woodstock, Barnard, Royalton, Randolph, Williamston, Berlin, Montpelier, Middlesex, Waterbury, Bolton, Jericho, and Williston, to Burlington, and from thence to Grand Isle.

From Newbury, by Corinth, Washington, and Barre, to Berlin.

From Ryegate, by Peacham, Danville, Wheelock, Sheffield, Glover, Barton, Brownington, and Salem, to Derby.

From Lancaster, N. H. by Lunenburg, St. Johnsbury, Danville, Walden, Harwich, Woolcott, Hydespark, Johnston, and Fletcher, to St. Albans.

In Massachusetts.—From Suffield, Conn. by Springfield, Wilbraham, Palmer, Western, Brookfield, Spencer, Leicester, Worcester, Shrewsbury, Northboro', Marlboro', Sudbury, Watertown, Cambridge, Boston, Charlestown, Malden, Lynn, Salem, Beverly, Wrenham, Hamilton, Ipswich, Rowley, and Newburyport, to Salisbury.

From Suffield, Ct. by Westfield, Southampton, Northampton, Hatfield, Whately, Deerfield, and Greenfield, to Bernardstown.

From Salisbury, Ct. by Sheffield, Great Barrington, Stockbridge, Lenox, Pittsfield, Lanesboro', and Williamston, to Greenfield.

From Canaan, Ct. by Sheffield, to Egremont.

From Colebrook, Ct. by Southfield, Sandisfield, Lee, Lenox, and Hancock, to New Lebanon, N. Y.

From Springfield, by Stockbridge and West Stockbridge, to Albany, N. Y.

From Granby, by Granville, Blandford, and Chester, to Middlefield.

From Brookfield, by Ware, Belchertown, Hadley, Northampton, Chesterfield, Worthington, Partridgefield, Dalton, Pittsfield, and Hancock, to New Lebanon.

From Stafford, Ct. to Brookfield or Worcester, and thence by Framingham, to Boston.

From Worcester, by Holden, Rutland, Barre, and Petersham, to Athol.

From Rutland, by Hubbardstown and Templeton, to Winchendon.

From Rutland, by Greenwich, Hardwich, Pelham, Amherst, and Hadley, to Northampton, and thence by South Hadley, to Springfield.

From Boston, by Dedham, Walpole, Foxborough and Attleborough, to Providence, R. I.

From Boston, by the Newburyport turnpike, to Newburyport.

From Dedham, by Medfield, Medway, Billingham, Milford, Mendon, Uxbridge, and Douglass, to Thompson, Ct.

From Boston, by Milton, Canton, Easton, Taunton, Berkley, and Freetown, to New Bedford.

From Boston, by Dorchester, Quincy, Brain-

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tree, Weymouth, Hanover, Pembroke, Kingston, Plymouth, Sandwich, Barnstable, Yarmouth, Dennis, Brewster, Harwich, Chatham, Orleans, Eastham, Wellfleet, and Truro, to Provincetown.

From Sandwich, by Falmouth, to Nantucket.

From Falmouth to Edgarton.

From Sandwich, by Wareham, Rochester New Bedford and Dartmouth, to Westport.

From Weymouth, by Hingham, Cohasset, Scituate, Marshfield, and Duxbury, to Kingston.

From Weymouth, by Abington, Bridgewater, Raynham, Taunton, Dighton, Somerset, and Swansey, to Warren, R. I.

From Boston, by Concord, Stow, Bolton, Lancaster, Leominster, Westminster, Templeton, Gerry, Athol, and Orange, to Warwick.

From Concord, by Littleton, Groton, and Townsend, to Ashby.

From Concord, by Fitzwilliam, N. H. to Brattleborough, Vt.

From Boston, by Medford, Woburn, Billerica and Chelmsford, to Tyngsboro'.

From Woburn, by Andover, to Haverhill.

From Billerica, by Patucket Bridge, Dracut, Pelham, N. H. and Windham, to Londonderry.

From Salem to Marblehead.

From Salem, by Manchester, to Gloucester.

From Salem, by Danvers, Topsfield, Boxford, and Bradford, to Haverhill.

From Newburyport to Haverhill.

From Troy, by Freetown, Berkley, to Taunton.

From Plymouth, by Taunton, to Providence, R. I.

From Framington, by Southborough, Westborough, Grafton, Sutton, Oxford, Dudley, and Woodstock, to Ashford, in Connecticut.

In Rhode Island.—From Plainfield, Ct. by Scituate and Providence, to Smithfield.

From Providence, by Barrington, Warren, and Bristol, to Newport.

From Providence, by Patuxet, East Greenwich, Wickford, and Little Rest, to Towerhill, or South Kingston.

From Newport, by Tiverton, to Westport Ms.

From Newport, by Towerhill, and by the Courthouse in South Kingston, Charleston, and West- erty, to Stonington, Ct.

From Newport, by Tiverton, to Troy, Ms.

From South Kingston, by Richmond, Hopkinton, North Stonington, and Preston, to Norwich, Ct.

In Connecticut.—From Rye, N. Y. by Greenwich, Stamford, Norwalk, Fairfield, Bridgeport, Stratford, Milford, New Haven, North Haven, Wallingford, Berlin, Wethersfield, Hartford, and Windsor, to Suffield.

From Norwalk, by Reading, Danbury, Brookfield, New Milford, Washington, Litchfield, Harwinton, Burlington, Farmington, Hartford, East Hartford, Ashford, and Pomfret, to Thompson.

From New Milford, by Kent, and Sharon, to Salisbury.

From Bridgeport, by Trumbull, Ripton, Huntington, and Newtown, to Brookfield.

From New Haven, by Derby, Southbury, Wood-

bury, Bethlehem, Litchfield, and Goshen, to Canaan.

From New Haven, by Woodbridge, Waterbury, Watertown, Litchfield, Cornwall, and Sharon, to Poughkeepsie, N. Y.

From New Haven, by Cheshire and Southington, to Farmington.

From New Haven, by Durham and Middletown, to Wethersfield.

From New Haven, by Branford, Guilford, Killingworth, Saybrook, Lyme, New London, Chelsea, and Jewitt's city to Plainfield.

From Saybrook, by Petty Pang, Haddam, East Haddam, and Middle Haddam, to Middletown.

From Stonington, by New London, Mountville, Colchester, Glastenbury, Hartford, Wintonbury, Canton, New Hartford, Winchester, and Norfolk, to Canaan.

From Norwich, by Canterbury and Brooklyn, to Pomfret.

From Hartford, by Simsbury, to Granby.

From New Hartford, by Hartland, to Colebrook.

From Hartford, by East Hartford, Oxford, Hebron, Lebanon, and Norwich, to Chelsea.

From Hartford, by Coventry, Windham and Canterbury, to Plainfield.

From Hartford, by Tolland, to Stafford.

From East Hartford, by East Windsor, to Springfield, Ms.

From Danbury to Ridgefield.

In New York.—From Jersey city, by New York, Harlaem and New Rochelle, to Rye.

From New York city, by Brooklyn, Jamaica, Hempstead, Merrick, South Oyster Bay, South Huntington, Islip, Patchogue, Fireplace, Moriches, Westhampton, Southampton and Bridgehampton, to Sag Harbor.

From Jamaica, by Queen's C. H. Oyster Bay, Huntington, Dixhills, Smithtown, Setauket Brookhaven, and Riverhead, to Southold.

From New York, by Kingsbridge, Yonkers, Greensburg, Mount Pleasant, Peekskill, Fishkill, Poughkeepsie, Staatsburg, Rhinebeck, Redhook, Clermont, Hudson, Kinderhook, Albany, Schenectady, Amsterdam, Tripshill, Palatine, Little Falls, Herkimer, Utica, New Hartford, Westmoreland, Oneida, Sullivan, Canaseraga, Manlius, Onondaga, Marcellus, Skeneateles, Aurelius, Cayuga, Geneva, Cauandaigua, Bloomfield, Avon, Southampton, Batavia, New Amsterdam, and Lewistown, to Youngstown, or Niagara.

From New Rochelle, by Whiteplains, Salem, Ridgefield, Ct. South East, Patterson and Pauling, to Dover.

From Ramapo Works to Newburg.

From New Antrim, by Monroe, Chester, Goshen, Wallkill, Montgomery, Shawangunk, New Paltz, Kingston, Songaerties, Catskill, Lunenburg, Coxsackie, Coyemans, Bethlehem, Albany, Troy, Lansingburg, Waterford, Stillwater, Saratoga, Northumberland, Fort Miller, Sandy Hill, Queensbury, Fort George, Thurman, Chester, Scaroon lake, Elizabeth, Willsboro', Peru, and Plattsburg, to Champlain town.

From Hamburg, N. J. by Warwick, Florida,

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Goshen, Little Britain, New Windsor, Newburg, and Fishkill landing to Fishkill.

From Danbury, Ct. by Fishkill landing and Newburg, to Chenango Point.

From Rhinebeck, by Kingston, Shandecin, Middletown, Delhi, Walton, Sidney, Jericho Bridge, Onoquago, Binghampton, Union, Owego, Athens, Pa. Chemung, Elmira, Great Flat, Painted Post, Bath, Canestoe, Ark Port, Danville, Williamsburg and Genesee to Avon.

From Delhi to Meredith.

From Wellsborough, Pa. by Lyndleystown, to Painted Post.

From Hudson, by Lunenburg, Catskill, Cairo, Durham, Broome, Blenheim, Stamford, Harpersfield, Kortwright, Meredith, Franklin, Unadilla, and Clinton, to Jericho Bridge.

From Erie, Pa. by Casada, Cataaugus, and Fish creek, to New Amsterdam.

From Bath, by Roscommon and Jerusalem, to Geneva.

From Elmira, by Catharinestown, Hector, Ovid, Lancaster and Romulus, to Geneva.

From Owego, by Cantines, Ithica, Salmon creek, Milton, Aurora, Cayuga, and Galen, to Great Sodus.

From Ithica, by Ulysses, to Ovid.

From Binghampton, by Green or Lisle, Oxford, Norwich, Hamilton, Paris, and New Hartford, to Utica.

From Oxford, by Unadilla, Otsego, Milford, Hartwich, Otsego village and Bridgewater, to Utica.

From Albany, by Duanesburg, Dwllock, Cherry valley, Otsego village, Burlington, Columbus, Sherburne, Deruyter, Truxton, and Homer, to Aurora.

From Burlington, by New Berlin, Plymouth, Cincinnati, and Homer, to Ithica.

From Otsego village, by New Lisbon, Pittsfield, and Butternuts, to Oxford.

From Cherry valley, by Springfield, Richfield, Plainfield, and Bridgewater, to Sangerfield.

From Onondaga, by Selina, Liverpool, Three Rivers Point, and Oswego falls, to Oswego.

From Vernon, by Smithfield and Cazenovia, to Pompey.

From Utica, by Whitestown, Rome, Camden, Adams, and Sackett's Harbor, to Brownsville.

From Utica, by Trenton, Steuben, Leyden, Turin, Lowville, Harrisburg, Oxbow, Dekalb, Canton, Ogdensburg, Lisbon, Hamilton, Madrid, Pottsdam, Chesterfield, Malone, and Chetauga, to Plattsburg.

From Harrisburg, by Champion, Watertown, and Brownsville, to Port Putnam.

From Little Falls, by Fairfield, Newport, and Russia, to Remsen.

From Peramus, by Tappan, Clarkstown, and Kakiat, to Havrestraw.

From Schenectady, by Ballstown, Ballstown springs, Saratoga springs, Greenfield, and Hadley, to Broadalbin.

From Caughnawago, by Johnson and Mayfield, to Northampton.

From Lansingburg, by Shaghticoke, Easton,

Greenwich, Argyle, Hartford, and Whitehall, to Fairhaven, Vermont.

From Sandyhill, by Fort Ann, to Whitehall.

From Lansingburg, by Cambridge, Salem, Heron, Granville, and Hampton, to Poultney, Vt.

From Willsboro' to Charlotte, Vt.

From Albany, to New Lebanon.

From Hudson, by Claverac, to Egremont, Ms.

In New Jersey.—From Morrisville, Pennsylvania, by Trenton, Princeton, New Brunswick, Rahway, Elizabethtown, and Newark, to Jersey city.

From Philadelphia, Pa. by Cooperstown, Gloucester, Woodbury, Sweedsboro', and Woodstown, to Salem.

From Cooperstown, by Long Coming, Blue Anchor, Riverbridge, and Somer's Point, to Absecon.

From Cooperstown, by Haddonfield, Taunton, and Atsion, to Tuckertown.

From Trenton, by Bordenton, Mount Holley, Black Horse, New Egypt, New Mills, Mount Holy, Morristown, Haddonfield, Cooperstown, Gloucester, Woodbury, Mullicohill, Poletavern, Deerfield, Bridgetown, Millville, Port Elizabeth, Dennis, and Cape May C. H. to Cape Island.

From Trenton by Pennington, Flemington, Alexandria, Belvidere, Hope, Johnsonburg, and Newtown, to Hamburg.

From Trenton, by Allentown, Cranberry, Monmouth, Shrewsbury, Middletown Point, Spotwood, New Brunswick, Somerville, Pluckemin, New Germanton, New Hampton, Asbury, and Pittston, to Alexandria.

From New Hope, Pa. by Somerville, Boundbrook, Newmarket, Plainfield, Scotch Plains and Springfield, to Newark.

From Easton, Pa. by Belvidere and Knowlton Mills, to Detotsburg, Pa.

From Scotch Plains, to New Providence.

From Rahway, by Woodbridge, to Amboy.

From Newark, by Chatham, Morristown, Rockaway, and Sparta, to Newtown, thence by Hacketstown, Washington Valley, Chester and Mendon, to Morristown.

From Morristown, by Baskenridge, to Somerville.

From Jersey city, by Bergen, Hackensack, and Paramus, to New Antrim.

From Bristol, Pa. to Burlington.

From Bridgetown to Cedarville.

In Pennsylvania.—From Wilmington, D. by Chester, Darby, Philadelphia, Frankfort, and Bristol, to Morrisville.

From Philadelphia, by Dowingtown, Lancaster, Elizabethtown, Middletown, Harrisburg, Carlisle, Shippensburg, Chambersburg, M'Connell's town, Bedford, Somerset, Greensburg, Pittsburg, Cannonsburg, and Washington, to West Middletown.

From Taneytown, Md. by Petersburg, Hanover, York, and Columbia, to Lancaster.

From Brick Meetinghouse, Md. by the Rising un, Unicorn, Black horse, Sorrel horse, Lancaster, Leditz, Ephrata, Reemstown, Adamstown, Reading, Cootstown, Allentown, Bethlehem, East-

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ton, Stroudsburg, and Middletown, to Milford, and thence to Pittston.

From Brick Meetinghouse, Md. by New London, Chatham, Kennett's square, Marshalltown and West Chester, to Downingtown.

From Wilmington, D. by New Garden, Chat-ham, Gap, and Strasburg, to Lancaster.

From Lancaster, by New Holland, Church-town, Morgantown, Pughtown, Pawlingsford, Norristown, Montgomery, Doylestown, New Hope, Newtown and Attleborough, to Bristol.

From Philadelphia, by Jenkintown, Doylestown, Plumstead, Bursontown, Easton, Hellers. Woods, Wilkesbarre, Pittston, Putnam, Brain-trem, Wyalusing, Standing Stone, Wysox, and Sheshequin, to Athens.

From Pittston, by Providence and Willing-boro', to Binghamton, New York.

From Plumstead, by Erwinna, to Alexandria, N. J.

From Jenkintown to New Hope.

From Philadelphia, by Germantown, Chesnut Hill, Whitmarsh, Montgomery Square, Quaker-town, Bethlehem, Kreidersville, Lausanne, and Nescopeck, to Berwick.

From Bethlehem to Nazareth.

From Philadelphia, by Germantown, Spring-town, Norristown, Trap, Reading, Hamburg, Sun-bury, Northumberland, Milton, Muncey, and Wil-liamsport, to Wellsborough.

From Milton, by Washington and Jerseytown, to Froetston.

From Harrisburg, by Halifax, Sunbury, Northumberland, Lewisburg, Millinburg and Aarons-burg, to Bellefont, Milesburg, Clearfield, and Venango, to Mercer.

From Harrisburg, by Palmyra, Lebanon, and Womelsdorf, to Reading.

From Lebanon to Jonestown.

From Harrisburg, by Clark's Ferry, Millerstown, Thompsonston, Millintown, Lewistown, McVay-town, Huntingdon, Alexandria, Hollidaysburg, Beaula, Armigh, Indiana, through Alexandria, to Greensburg.

From Millintown, by Waterford, Concord, to Fannetsburg.

From Manchester, Md. by Hanover, Abbotstown, Berlin, and Sulphur Springs, to Carlisle.

From Union, Md. by Petersburg and Gettis-burg, to Chambersburg.

From Emmetsburg, Md. by Gettitsburg, Carlisle, Gap, Millerstown, Selin's Grove, Northumber-land, Danville, Bloomsburg, Berwick, Salem and Hanover, to Wilkesbarre.

From Carlisle, by Wagoners' Gap, Landis-burg, Hacketts, Shower's Mill, and Zimmermans, to Douglass' Mill.

From Hagerstown, Md. by Greencastle, Cham-bersburg, Strasburg, Fannetsburg, Bedford fur-nace, Shirleys, Huntingdon, Centre furnace, Bel-font, Jersey shore, to Williamsport.

From Belfont to Lewistown.

From Gettysburg, by Fairfield and Greencastle, to Messersburg.

From Cumberland, Md. by Salisbury and Ber-lin, to Somerset.

From Somerset, by Connelsville, Union, and New Geneva, to Morgantown, Va.

From Somerset, by Staystown, to Ebensburg.

From Greensburg, by New Alexandria, to Kit-taning.

From Greensburg, by Mount Pleasant, Robbs-town, Parkinson's ferry, and Washington, to Bur-gettstown.

From Union, by Brownsville, Washington, Waynesborough, and Jeffersonville, to Union.

From Pittsburg, by Butler, Mercer, Franklin, Meadsville, Crawford, and Le Bœuf, to Erie.

From Erie to Litchfield, O.

From Pittsburg, by Beavertown, to Greensburg,

From Beavertown to Georgetown.

From Baltimore, Md. to York.

In Michigan.—From Fort Miami, by French-town, to Detroit.

In Ohio.—From Point Pleasant, Va. by Galli-polis, Sciota Salt Works, Chillicothe, Franklinton, Worthington, Delaware, Mount Vernon, Mans-field, Ripley, and Bronson, to Huron.

From Marietta, by Belpre, to Wood C. H.

From Marietta, by Athens, Chillicothe, New Market, Williamsburg, Milford, Columbia, Cin-cinatti, to Northbend.

From Wheeling, Va. by St. Clairsville, Morris-town, Frankford, Cambridge, Zanesville, Spring-field, New Lancaster, Chillicothe, and Browns' Cross Roads, to Maysville, K.

From Cincinnati, by Crossby, Hamilton, Frank-lin, Dayton, Staunton, Troy, Pique Town, Spring-field, Ludlow, Xenia, Waynesville, Lebanon, and Montgomery, to Cincinnati.

From Chillicothe, by Pepee, to Alexandria.

From Zanesville, by Gnadenbutten and New Philadelphia, to Canton.

From Marietta, by Waterford, Zanesville, New-ark, Greenville, Worthington, to Urbana.

From Troy to Greenville.

From Brook C. H. Va. to Steubenville, and Faucettstown, to New Lisbon.

From Greensburg, or Beavertown, Pa. by New Lisbon, Deerfield, Ravenna, Hudson, Cleveland, Huron, Perkins, Paterson, and Sandusky, to Fort-Miami.

From Greensburg, Pa. by Poland, Youngstown, and Warren, to Jefferson, and return by Williams-field, Smithfield, and Brookfield, to Warren.

From Litchfield, by Ralphville, Jefferson, and Austinville, to Cleveland.

From Youngstown to Canfield.

In Indiana.—From Louisville, K. by Jeffer-sonville, Clarksville, Corydon, and Vincennes, to the United States' Saline.

From Northbend, O. by Laurenceburg, to Port William, K.

In Illinois.—From Vincennes, In. T. by Kas-kaskia, Prairies du Rochers, and Cahokia, to St. Louis.

From Smithland, K. by Fort Massac and Ty-wappety, to Cape Girardeau, L. T.

In Louisiana.—From St. Genevieve, by Mine au Burton, and St. Louis, to St. Charles.

From Kaskaskia, I. T. by Genevieve and Cape Girardeau, to New Madrid.

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In Delaware.—From Elkton, Md. by Christina and Newport, to Wilmington.

From Wilmington, by New Castle, St. Georges, Cantwell's Bridge, Smyrna, Dover, Camden, Frederica, Milford, Georgetown, and Dagsborough, to Poplartown, Md.

From Cantwell's Bridge, by Middletown, to Warwick, Md.

From Frederica to Whiteleysburg.

From Salisbury, Md. by Laurel, Concord and Georgetown, to Lewistown.

From New Market, Md. by Northwest Fork Bridge and Bridge Branch, to Georgetown.

In Maryland.—From Washington City, by Bladensburg, Baltimore, Harford, Havre de Grace, and Northeast, to Elkton.

From Washington City, by Upper Marlboro', Queen Ann, Annapolis, Haddaways, St. Michaels, Easton, Cambridge, Vienna, Salisbury, Snowhill, Princess Ann, White Haven, and Quantico, to Vienna.

From Poplartown, by Snowhill, to Horntown.

From Salisbury to Quantico.

From Cambridge to New Market.

From Easton, by Centreville, Churchhill, Chestertown, Georgetown Cross Roads, and Sassafras, to Warwick.

From Georgetown Cross Roads, by the head of Chester, Sudler's Cross Roads, Beaver Dam, and Nine Bridges, to Greensborough.

From Easton, by Hillsborough, Denton, and Greensborough, to Whiteleysburg, D.

From Elkton to Brick Meeting House.

From Baltimore to Annapolis.

From Harford to Belle Air.

From Baltimore, by Rockhall, to Chestertown.

From Baltimore, by Reisterstown, to Manchester.

From Reisterstown, by Westminster, to Union mills.

From Baltimore, by Ellicott's Lower Mills, Poplartown, New Market, Fredericktown, and Newtown, to Harper's Ferry.

From Baltimore, by Queenstown, to Centreville.

From Washington City, by Georgetown, Montgomery C. H. Clarksburg, Fredericktown, Middletown, Hagerstown, Hancock, Berkeley springs, Oldtown, to Cumberland, and thence by the National Road, to Union, Pa.

From Washington City, by Brookville and Triadelphia, to Ellicott's Mills.

From Fredericktown to Liberty.

From Fredericktown, by Woodsborough, to Taneytown.

From Fredericktown, by Creagerstown, to Emmetsburg.

From Shepherdstown, Va. by Sharpsburg and Williamsport, to Hagerstown.

From Upper Marlborough, by Nottingham, Aquasco, Benedict, and Charlotte Hall, to Chaptico.

From Queen Ann, by Pig Point, Tracey's Landing, Lower Marlborough, Huntington, and Calvert, C. H. to St. Leonards.

From Washington City, by Piscataway, Port

Tobacco, Allenfresh, Newport, Chaptico, Leonardtown, Great Mill, and St. Ingoes, to Ridge.

From Port Tobacco, by Tophill, to Nanjemoy.

From Leesburg, Va. by Charlesburg, to Montgomery C. H.

From Fredericktown to Leesburg.

From Newtown Trap, by Berlin, Thrasher's Store, and Hamilton's Mill, to Waterford in Va.

In Virginia.—From Washington City, by Alexandria, Dumfries, Stafford C. H. Falmouth, Fredericksburg, Bowling Green, White Chimnies, Hanover C. H. Richmond, Petersburg, Harris's, and Brunswick, to Warrenton, N. C.

From Washington City, by Prospect, Lanesville, Leesburg, Waterford, Hillsborough, Charles-town, Shepherdstown, and Martinsburg, to Berkeley Springs.

From Waterford, by Braden's Store, Janneys, and Snicker's Gap, to Upperville.

From Washington City, by Fairfax C. H. Goshen, Middleburg, Paris, Winchester, Romney, Westernport, Maryland, Gandysville, Clarksburg, and Marshes, to Marietta, Ohio.

From Gandysville, to Morgantown.

From Clarksburg to Beverly.

From Pendleton C. H. by Moorfield, Romney, Springfield, and Frankfort, to Cresapsburg, Maryland.

From Williamsport, Maryland, by Martinsburg, Winchester, Stevensburg, Newtown, Strasburg, Woodstock, New Market, and Harrisonburg, to Staunton.

From Harper's Ferry, by Charlestown and Battletown, to Winchester.

From Fairfax C. H. by Centreville, Haymarket, Warrenton, Madison, C. H. Stannardsville, Staunton, Middlebrook, Brownsburg, Lexington, Natural Bridge, Pattonsburg, Fincastle, Amsterdam, Salem, Airmont, Christiansburg and Evansham, to Abingdon.

From Alexandria to Fairfax C. H.

From New York to Lovingson in Nelson county.

From Colchester to Occoquan.

From Fredericksburg, by Elk Run Church and Warrenton, to Gibsons and Oak hill.

From Fredericksburg, by Germana, Stevensburg, Culpepper C. H. Jeffersonston, Washington, and Front Royal, to Winchester.

From Culpepper C. H. by Woodville, F. T. Village, Pass Mills, Thornton's Gap, Mundell's store, and Hawksbill Mills, to New Market.

From Fredericksburg, by Orange C. H. Gordons, Milton, Charlottesville, New Glasgow, to Lynchburg.

From Lovingson, by Warren, to Warminster.

From Fredericksburg, by Thornsburg, Chilesburg, Oxford, Crewsville and Price's Mills, to Goochland C. H.

From Fredericksburg, by Spottsylvania C. H. Lewis's, Potties, Bibb's store, Louisa C. H. Yanceyville, and Mitchell's store to Goochland C. H.

From Fredericksburg, by King George C. H. Broadfield, Mattoxbridge, Leedstown, Templeman's Cross Roads, Richmond C. H. Mount Airy, Farnham, Kinsale, Northumberland C. H. and Lancaster C. H. to Kilmarnock.

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From Fredericksburg, by Port Royal, Laytons, Tappahannock, Urbanna, and Gloucester C. H. to Yorktown.

From Bowling Green, by Broadus's Mills, Dunkirk, Walkerton, King and Queen C. H. and Gloucester C. H. to Matthews C. H.

From Dunkirk, by Aylett's Warehouse, King William C. H. to Lilly Point.

From Richmond, by Goochland C. H. Columbia, Milton, Charlottesville, New York, Waynesburg, Staunton, Warm Springs, Callaghans or Browns, Sulphur Springs, Lewisburg, Kenhaway, C. H. and Hudsons, to Point Pleasant.

From Hudsons, by Wards and Jourdans, to Cattlesburg, at the mouth of Big Sandy.

From Callaghans, by Sweet Springs and Union, to Giles' C. H.

From Evansham, by Jeffersonville and Franklin, to Jonesville.

From Evansham, by Austinville, to Greenville.

From Richmond, by Powhatan C. H. Cumberland C. H. Floods, Lynceburg, Beauforts, Hourytown, and Fincastle, to Sweet Springs.

From Liberty, by Brown's store, Rocky Mount, Henry C. H. to Hatrick C. H.

From Powhatan C. H. by Cartersville, New Canton, Buckingham C. H. and Bent Creek, to Lynchburg.

From Powhatan C. H. by Farmville, Prince Edward C. H. Charlotte C. H. Marysville, Halifax C. H. Peytonsburg and Pittsylvania C. H. to Henry C. H. and from Peytonsburg, to Danville.

From Prince Edward C. H. by Kelso's store, to Hunters.

From Pittsylvania C. H. by Danville, to Caswell C. H. in North Carolina.

From Lynchburg, by Bethel, Pedlar Mills, and Wincanton, to Lexington.

From Lynchburg, by Campbell C. H. Ward's Ferry, on Staunton river, and Stone's store, to Pittsylvania C. H.

From Richmond, by Chesterfield C. H. Spring Hill, Colesville, Jenitoe Bridge, Cassel's store, Amelia C. H. Painesville and Jamestown, to Farmville.

From Charlotte C. H. by Rough Creek Church, and Reed's store, on Fallen river, to Campbell C. H.

From Richmond, by Hanover town, Dunkirk, and Tappahannock, to Richmond C. H.

From Richmond, by Frazers, New Kent C. H. Williamsburg, Yorktown, Hampton, Norfolk and Great Bridge, to North west River Bridge.

From Richmond, by Granville, to Charles City C. H.

From Petersburg, by Dinwiddie, C. H. Notaway C. H. Hendersonville, Hungrytown, Double Bridge, Haleys, Willies, Bibb's Ferry, and Scotsburg, to Halifax C. H.

From Petersburg, by Prince George, Cabin Point, Surrey C. H. Smithfield, Everitt's Bridge, Suffolk, and Portsmouth, to Norfolk.

The mail may be sent from Smithfield, by Sleepy Hole Ferry, and thence to Suffolk, when the road and ferry are in convenient repair.

From Petersburg to City Point.

From Petersburg, by Sussex C. H. Jerusalem and South Quay, to Murfreesboro', North Carolina.

From Hicks's Ford, by Smith's store, to Murfreesboro'.

From Harrisville, by Field's Mill, Quarlesville, M'Farlands, Lunenburg C. H. Christiansville, Marshallsville, Mecklenburg C. H. St. Tammany's and Gee's Bridge, to Harrisville.

From Percivalls, by Westward Mill, Mason's, Belfield, and Hicks's ford, to Halifax, North Carolina.

From Hicks's ford, by Cross Keys, Bethlehem, and Jerusalem, to Suffolk.

From Billips's to Hicks's ford.

From West Middletown, Pennsylvania, by Brook C. H. and Short Creek, to Wheeling.

From Horntown, by Accomac C. H. and Northampton C. H. to Norfolk.

From West Liberty, by Short Creek, to Warrenton, O.

In Kentucky.—From Maysville, by Washington, Millersburg, Paris, Lexington, Frankfort, Springfield, Greensburg, Glasgow, and Bowling Green, to Russelsville.

From Catlettsburg, by Greenup C. H., Johnson's Mills, Vanceburg, Salt Works, Lewis C. H. and Flemingsburg, to Millersburg, thence by Mount Sterling, and the Olympian Springs, to Catlettsburg.

From Cumberland Gap, by Barboursville, Road Forks, Crab Orchard, Stanford, Danville, Harrodsburg, Frankfort, and New Castle, to Port William.

From Roadforks to Clay C. H.

From Washington, by Augusta and Newport, to Boon C. H.

From Lexington, by Nicholasville, Richmond and Lancaster, to Danville.

From Frankfort, by Georgetown, Cynthiana, Falmouth, and Newport, to Cincinnati, O.

From Frankfort, by Shelbyville, Louisville, Sheppardsville, Bairdstown, Springfield, and Danville, to Casey C. H.

From Frankfort, by Middletown, Bairdstown, Bealsburg, Elizabethtown, Grangerville, Hardenburg, Hartford, and Muhlenburg C. H. to Russelsville.

From Hardenburg, by Yellow Banks, Hendersonton, United States' Saline, In. T. to Shawnee Town, Il. T. and to Livingston C. H.

From Russelsville, by Christian C. H. Eddyville, and Livingston C. H. to Smithland.

From Stanford, by Pulaski C. H. Wayne C. H. Cumberland, and Adair, to Greensburg.

From Lexington, by Winchester and Mount Sterling, to Estill, C. H.

From Muhlenburg C. H. Hopkins C. H. by Harpsburg, to Henderson.

In North Carolina.—From Warrenton, by Louisburg, Raleigh, Aversboro'. Fayetteville, Lumberton, and Noland, to Barefields, S. C.

From Suffolk, Va. by Gates C. H. Edenton, Lee's Mills, Plymouth, Washington, Newbern, Swansboro', and Wilmington, to Smithville.

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From Henry C. H. Va. to Germanton.
From Greenville, Va. by Scull Camp, Mount Airy, and Bethania, to Salem.

From Warrenton, by Williamsboro', Oxford. Person C. H. Leesburg, Caswell C. H. Lenox Castle, Rockingham C. H. and Germanton, to Salem.

From Oxford to Hillsboro'.

From Raleigh, by Nuttall's store, to Oxford.

From Raleigh, by Chapel Hill, Hillsboro', Alleman, Greensboro', Salem, Huntsville, Houstonville, Statesville, Island Ford, Morgantown, and Ashville, to the Warm Springs, and from Ashville to Haywood C. H.

From Hillsboro', by Mount Tirzah, Person C. H. Williamsville, and the Red House, to Halifax C. H. Va.

From Huntsville, by Rockford, Hamptonville, and Wilkesboro', to Ash C. H.

From Salem, by Lexington, Salisbury, and Concord, to Charlotte.

From Charlotte to Statesville.

From Raleigh, by Pittsboro', Randolph C. H. Salisbury, Beattysford, Grahams, Linecolton, and Rutherfordton, to Spartansburg, S. C.

From Fayetteville, by Moore C. H. Waddels ferry, Tyson's store, Linly's store, and Hillsboro', by Jones's ferry, to Pitsboro', and thence by Haywood, to Fayetteville.

From Fayetteville, by Rockingham, Wadesboro', Springville, and Tindallsville, to Salisbury.

From Fayetteville, by Laurel Hill, to Winfieldsville, S. C.

From Warrenton, by Jones's store, Halifax, Northampton C. H. Murfreesborough, Winton, Coleraine, Windsor, Edenton, Hartford, Nixonton, Elizabeth, Camden C. H. Indiantown, Currituck C. H. and Tull's Creek, to North West Bridge, Va.

From Elizabeth to New Lebanon.

From Warrenton, by Ransom's Bridge, Sill's store, Nash C. H. Tarborough, Greenville, Washington, Bath, Woodstock, and Germanton, to Lake Landing, on Mattamuskeet.

From Halifax, by Enfield, Mount Prospect, to Tarborough.

From Raleigh to Nash C. H.

From Halifax, by Scotland Neck, Hamilton, Williamston, Jamestown, Plymouth, and Washington C. H. to Scuppernong.

From Raleigh, by Smithfield, Waynesboro', Kingston, and Newbern, to Beaufort.

From Kinston to Snowhill.

From Fayetteville, by Sampson C. H. Duplin C. H. and South Washington, to Wilmington.

From Fayetteville, by Elizabethtown, to Wilmington.

From Elizabethtown to Marsh Castle.

In Tennessee.—From Abingdon, Va. by Blountsville, Rossville, Rogersville, Whitesides, Bean's Station, Rutledge, Knoxville, Campbell, Meredith, Kingston, Hartleys, Alexanders, White Plains, Carthage, Dixon's Springs, Cairo, Gallatin, Hendersonville, Nashville, Franklin, and Columbia, to the Big Spring.

From Blountsville, by Jonesborough, Green-

ville, Cheek's Cross Roads, and Dandridge, to Knoxville.

From Jonesborough, by Elizabethtown, to Ashe C. H., N. C.

From the Warm Springs, N. C. by Newport, Sevierville, Knaoxville, Clinton, and Chitwood, to Pulaski, K.

From Newport, by Cheek's Cross Roads, Bean's Station, Tazewell, and Powell's Valley, to Cumberland Gap.

From Knoxville, by Marysville, Telico, Amoy River, Vanstown, Turkeytown, near the junction of Koose and Talipoose river, being the head of Alabama river, to Fort Stoddert, on the Mobile river, M. T.

From Carthage to Lebanon.

From Carthage to Fort Blount.

From Nashville, by Charlotte, Hickman C. H. and Humphreys C. H. to Charlotte.

From Nashville, by Springfield, to Russellville, K.

From Springfield, by Port Royal, Clarksville, and Palmyra, to Stewart C. H. and from thence to Eddyville, in the State of Kentucky.

From Kingston, by Rhea C. H. Bledsoe C. H. Warren, and Jefferson, to Nashville.

From Wayne C. H. Kentucky, by Overton C. H. and White Plains, to White C. H.

From Columbia, by Shelbyville, Winchester, Fayetteville, Huntsville, M. T. and Pulaski, to Calumbia.

From Bledsoe C. H. to Franklin C. H.

In South Carolina.—From Barefields, by Port's ferry, China Grove, Georgetown, Charleston, Jacksonboro', Pocotaligo, and Coosawhatchie, to Savannah, Ga.

From Greenville, by Pickensville, Pendleton C. H. and Hattensford, to Carnesville, Ga.

From Winfieldsville, by Cheraw C. H. Camden, Columbia, Edgefield C. H. and Cambelltown, to Augusta Ga.

From Barefields, by Marion C. H. Hlesboro', Bitheasville, and Harpersville, to Barefields.

From Port's Ferry, to Conwayborough.

From Wadesborough, N. C. by Sneedsborough, Chatham, Cheraw C. H. and Darlington C. H. to Port's Ferry, on Lynch Creek.

From Charleston, by Monk's Corner, Jamesville, Statesburg, Camden, Chestnut Ferry, Peas' store, Rocky Mount, Lansford and Alexanders, to Charlotte, to return by Cairo and Lancaster, to Camden.

From Columbia, by Miersville, Statesburg, Sumpterville, Salem, Kingstree, Indiantown, and Willtown, to China Grove.

From Columbia, by Winnsborough, Chester C. H. York C. H. Pinckneyville, Union, Meansville, and Spartanburg, to Greenville.

From Columbia, by Monticello, Hendersons, O'Neals, the Keys, Cross Anchor, and Shackelfords, to Greenville, return by Stonesville, Young's store, Scuffletown, Huntington, Poplar Grove, and Springhill, to Columbia.

From Charleston, by Dorchester, St. Georges, Orangeburgh, Columbia, Newbury C. H. Belfast, Laurens C. H. Fork Shoal, Greenville, Reeds-

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ville and Claytons ville, to Ashville, N. C. to return by Murraysville, to Greenville.

From Greenville, return by Tumbling-Shoal and Laurens C. H. to Columbia.

From Edgefield, C. H. by Richardsons, Cambridge, Abbeville, and Rocky River, to Pendleton C. H.

From Edgefield C. H. by Long Miers, Willington, Vienna, and Andersonville, to Pendleton C. H.

From Jacksonboro', by Barnwell, C. H. and Campbelltown, to Augusta, Ga.

From Pocotaligo to Beaufort.

From Charlotte, N. C. to York C. H.

From Petersburg, Ga. to Vienna.

In Georgia.—From Savannah, by Bryan C. H. Darien, and Brunswick, to St. Mary's.

From Augusta, by Lincolnton, Petersburg, and Elberton, to Franklin C. H.

From Augusta, by Columbia C. H. Washington, Lexington, Athens, Watkinsville, and Clarksboro', to Jefferson.

From Augusta, by Columbia C. H. Warrenton, Sparta, Milledgeville, and Jones C. H. to Hawkins, on the Oakmulgee river, and from thence to Coweta.

From Milledgeville, by Putnam C. H. Morgan C. H. and Watkinsville, to Athens.

From Darien, by Jones's, to Milledgeville.

From Morgan C. H. to Randolph C. H.

From Milledgeville to Saundersville.

From Augusta, by Waynesboro', Louisville, Georgetown, Warrenton, Powelton and Greensboro', to Washington.

From Augusta, by Jacksonboro', to Savannah. From Riceboro' to Sunbury.

In Mississippi.—From the Big Spring, by Bear Creek, M'Intoshville, Walnut Hill, St. Albans, Grindstone Ford, Port Gibson, Greenville, Washington, Natchez, Ellis' ferry, and Loftus Heights, to Pinckneyville.

From M'Intoshville, or White Oak Creek, by Fort St. Stephens, to Fort Stoddert.

From Coweta, by Tuckabachy, Tensaw, and Fort Stoddert, to Pascagoola River.

In Orleans Territory.—From Pinckneyville, by Baton Rouge, Abbeville, La Fouché, or Houmas, St. Charles, to Balize.

From La Fouché, by Point Coupee, Opelousa, and Rapid, to Natchitoches.

From Pascagoola river to New Orleans.

Sec. 2. *And be it further enacted,* That, from and after the first day of June next, all post roads heretofore established by any act of Congress of the United States, shall be and the same are hereby discontinued: *Provided,* That nothing herein contained shall be construed so as to affect any existing contracts.

Approved, April 28, 1810.

An Act to extend the time for locating Virginia military land warrants, and for returning the surveys thereon to the Secretary of the Department of War.

Be it enacted, &c. That the officers and soldiers of the Virginia line on continental estab-

lishment, their heirs or assigns, entitled to bounty lands within the tract reserved by Virginia, between the Little Miami and Sciota rivers, for satisfying the legal bounties to her officers and soldiers upon continental establishment, shall be allowed a further term of five years, from and after the passage of this act, to obtain warrants and complete their locations, and a further term of seven years, from and after the passage of this act as aforesaid, to return their surveys and warrants, or certified copies of warrants, to the Secretary of the War Department, anything in any former act to the contrary notwithstanding: *Provided,* That no locations as aforesaid, within the above-mentioned tract, shall, after the passing of this act, be made on tracts of land for which patents had previously been issued, or which had been previously surveyed; and any patent which may nevertheless be obtained for land located contrary to the provisions of this section, shall be considered as null and void.

Approved, March 16, 1810.

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An Act concerning Invalid Pensioners.

Be it enacted, &c., That the Secretary of War be and he is hereby directed to place the following named persons, whose names have been transmitted to Congress, pursuant to a law passed the tenth of April, one thousand eight hundred and six, on the pension list of invalid pensioners of the United States, according to the rates, and to commence at the times herein mentioned, that is to say:

Gideon Griggs, at the rate of two dollars and fifty cents per month, to commence on the ninth day of December, one thousand eight hundred and nine.

Elijah Brainard, at the rate of five dollars per month, to commence on the sixth day of November, eighteen hundred and nine.

Benjamin Cotton, at the rate of two dollars and fifty cents per month, to commence on the thirtieth day of January, eighteen hundred and nine.

William Smart, at the rate of five dollars per month, to commence on the second day of February, eighteen hundred and nine.

John Union, at the rate of two dollars and fifty cents per month, to commence on the sixth day of December, eighteen hundred and eight.

Edward Grant, at the rate of three dollars and seventy cents per month, to commence on the twenty-third day of January, eighteen hundred and nine.

Peleg Smith, at the rate of three dollars and thirty-three and one-third cents per month, to commence on the tenth day of January, eighteen hundred and nine.

Nathaniel Ladd, at the rate of two dollars and fifty cents per month, to commence on the twenty-eighth day of January, eighteen hundred and nine.

John Reed, at the rate of five dollars per month, to commence on the thirty-first day of October eighteen hundred and nine.

Joseph Slack, at the rate of two dollars and

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thirty-three and one-third cents per month, to commence on the seventeenth day of October, eighteen hundred and nine.

Samuel Sterns, at the rate of two dollars and fifty cents per month, to commence on the twentieth day of March, eighteen hundred and eight.

Enos Petett, at the rate of two dollars per month, to commence on the fifth day of June, eighteen hundred and nine.

Jonathan Perkins, at the rate of five dollars per month, to commence on the third day of May, eighteen hundred and nine.

Toney Twiney, at the rate of three dollars and seventy-five cents per month, to commence on the twenty-third day of June, eighteen hundred and eight.

James Wayland, at the rate of three dollars and thirty-three and one-third cents per month, to commence on the sixteenth day of January, eighteen hundred and nine.

David Hurd, at the rate of three dollars and seventy-five cents per month, to commence on the twenty-third day of June, eighteen hundred and eight.

Squire Boon, at the rate of three dollars per month, to commence on the ninth day of September, eighteen hundred and nine.

Henry Shaw, at the rate of two dollars and fifty cents per month, to commence on the seventeenth day of October, eighteen hundred and nine.

Quintin Moore, at the rate of one dollar and sixty-six and two-third cents per month, to commence on the twenty-sixth day of August, eighteen hundred and nine.

Robert Baird, at the rate of ten dollars per month, to commence on the sixth day of May, eighteen hundred and nine.

George Tennell, at the rate of two dollars and fifty cents per month, to commence on the fifth day of December, eighteen hundred and eight.

Edward Lloyd, at the rate of thirteen dollars and thirty-three and one-third cents per month, to commence on the twenty-first day of June, eighteen hundred and nine.

John McChesney, at the rate of three dollars thirty-three and one-third cents per month, to commence on the twentieth day of February, eighteen hundred and ten.

Benjamin Strother, at the rate of three dollars and thirty-three and one-third cents per month, to commence on the fifth day of October, eighteen hundred and nine.

George Cress, at the rate of two dollars and fifty cents per month, to commence on the seventh day of August, eighteen hundred and nine.

James Howard, at the rate of two dollars and fifty cents per month, to commence on the third day of July, eighteen hundred and nine.

Newman Laudman, at the rate of three dollars and thirty-three and one-third cents per month, to commence on the twenty-fourth day of June, eighteen hundred and nine.

John Powell, at the rate of three dollars and thirty-three and one-third cents per month, to commence on the twentieth of November, eighteen hundred and nine.

George Benedict, at the rate of three dollars and thirty-three and one-third cents per month, to commence on the twenty-second day of November, eighteen hundred and nine.

Philip Philips, at the rate of two dollars and fifty cents per month, to commence on the twentieth day of November, eighteen hundred and nine.

Peter Conyne, at the rate of eight dollars per month, to commence on the twenty-eighth day of November, eighteen hundred and nine.

James Buxton, at the rate of four dollars per month, to commence on the twenty-second day of December, eighteen hundred and nine.

John Crookshanks, at the rate of two dollars and fifty cents per month, to commence on the twentieth day of December, eighteen hundred and nine.

John Gilbert, at the rate of two dollars and fifty cents per month, to commence on the second day of September, eighteen hundred and eight.

Simcon Gibbs, at the rate of two dollars and fifty cents per month, to commence on the twenty-eighth day of March, eighteen hundred and eight.

James Berry, at the rate of one dollar and sixty-six and two-third cents per month, to commence on the ninth day of September, eighteen hundred and nine.

James Warson, at the rate of three dollars and thirty-three and one-third cents per month, to commence on the twenty-second day of September, eighteen hundred and nine.

Joseph Shayler, at the rate of twenty dollars per month, to commence on the twelfth day of February, eighteen hundred and nine.

James Munn, at the rate of ten dollars per month, to commence on the eighteenth day of March, eighteen hundred and nine.

Joseph Reed, at the rate of three dollars and thirty-three and one-third cents per month, to commence on the sixteenth day of March, eighteen hundred and nine.

Charles Kilgore, at the rate of two dollars and fifty cents per month, to commence on the twenty-eighth day of April, eighteen hundred and nine.

Ambrose Lewis, at the rate of two dollars and fifty cents per month, to commence on the nineteenth day of July, eighteen hundred and nine.

John Newman, at the rate of ten dollars per month, to commence on the twenty-seventh day of October, eighteen hundred and nine.

Joseph Noyes, at the rate of two dollars and fifty cents per month, to commence on the twenty-eighth day of January, eighteen hundred and nine.

Aaron Brinck, at the rate of five dollars per month, to commence on the twenty-sixth day of January, eighteen hundred and nine.

David Hamilton, at the rate of five dollars per month, to commence on the twenty-sixth day of January, eighteen hundred and nine.

Hackalia Doolittle, at the rate of two dollars and fifty cents per month, to commence on the twenty-fifth day of January, eighteen hundred and nine.

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Peter Harford, at the rate of two dollars and fifty cents per month, to commence on the eighth day of March, eighteen hundred and ten.

John Wood, at the rate of two dollars and fifty cents per month, to commence on the third day of March, eighteen hundred and ten.

Thomas Goodrum, at the rate of two dollars and fifty cents per month, to commence on the fourteenth day of March, eighteen hundred and ten.

John Smith, at the rate of four dollars per month, to commence on the twenty-eighth day of January, eighteen hundred and nine.

Jared Duncan, at the rate of five dollars per month, to commence on the eighth day of December, eighteen hundred and nine.

John Martin, at the rate of two dollars and fifty cents per month to commence on the twenty-first day of March, eighteen hundred and ten.

Gerardus Dingman, at the rate of five dollars per month to commence on the fifteenth day of January, eighteen hundred and ten.

Donald McDonald, at the rate of two dollars and fifty cents per month, to commence on the twentieth day of January, eighteen hundred and ten.

SEC. 2. *And be it further enacted*, That the pensions of the following persons already placed on the pension list of the United States, whose claims for an increase of pension have been transmitted to Congress, pursuant to the act aforesaid, be increased to the sums herein respectively annexed to their names: the said increase to commence at the times herein mentioned, that is to say:

William Little, five dollars per month, to commence on the twenty-second of November, eighteen hundred and nine.

Walker Baylor, twenty dollars per month, to commence on the twenty-ninth of December, eighteen hundred and eight.

Isaac Bennett, three dollars and thirty-three and one-third cents per month, to commence on the twenty-sixth of June, eighteen hundred and nine.

Thomas Carhart, five dollars per month, to commence on the twenty-first of February, eighteen hundred and nine.

David Weaver, five dollars per month, to commence on the fourth of September, eighteen hundred and nine.

Josias Smith, ten dollars per month, to commence on the eleventh of May, eighteen hundred and nine.

Abiel Knapp, three dollars and thirty-three and one-third cents per month, to commence on the twenty-seventh of October, eighteen hundred and eight.

Peter D. Demarest, five dollars per month, to commence on the seventh of January, eighteen hundred and nine.

Kerley Ward, three dollars and thirty-three and one-third cents per month, to commence on the tenth of January, eighteen hundred and nine.

John Utter, five dollars per month, to commence on the third of January, eighteen hundred and ten.

Lee Lay, six dollars and sixty-six and two-third cents per month, to commence on the fourth of December, eighteen hundred and nine.

Henry Cone, five dollars per month, to commence on the fourth of December, eighteen hundred and nine.

Elihu Sabin, three dollars thirty-three and one-third cents per month, to commence on the third of October, eighteen hundred and nine.

Simon Crosby, three dollars thirty-three and one-third cents per month, to commence on the twentieth of September, eighteen hundred and nine.

William Tarbell, three dollars per month, to commence on the third of June, eighteen hundred and nine.

Jeremiah Markham, five dollars per month, to commence on the third of June, eighteen hundred and nine.

John Wakelee, five dollars per month, to commence on the first of September, eighteen hundred and eight.

David Orcutt, five dollars per month, to commence on the fifteenth of March, eighteen hundred and nine.

Jedediah Brown, two dollars and fifty cents per month, to commence on the fourteenth of October, eighteen hundred and eight.

Stephen Hempstead, three dollars and seventy-five cents per month, to commence on the third of February, eighteen hundred and nine.

Isaac Finch, five dollars per month, to commence on the twenty-first of July, eighteen hundred and eight.

Richard Lamb, three dollars thirty-three and one-third cents per month, to commence on the first of May, eighteen hundred and eight.

Solomon Stark, three dollars and seventy-five cents per month, to commence on the thirteenth of February, eighteen hundred and nine.

Nathan Hawley, three dollars thirty-three and one-third cents per month, to commence on the twenty-sixth of May, eighteen hundred and eight.

Samuel French, five dollars per month, to commence on the twenty-sixth of May, eighteen hundred and eight.

Nero Hawley, three dollars, thirty-three and one-third cents per month, to commence on the twenty-sixth of May, eighteen hundred and eight.

Zeba Woodworth, five dollars per month, to commence on the fifth of September, eighteen hundred and nine.

Annianus Tubbs, two dollars fifty cents per month, to commence on the fifteenth of March, eighteen hundred and nine.

Jonas Adams, five dollars per month, to commence on the sixth of February, eighteen hundred and nine.

Moses Smith, five dollars per month, to commence on the ninth of February, eighteen hundred and ten.

Abraham Sawyer, two dollars and fifty cents per month, to commence on the sixteenth of November, eighteen hundred and nine.

Elias Barron, five dollars per month, to com-

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mence on the sixth of June, eighteen hundred and nine.

Richard Crouch, five dollars per month, to commence on the twelfth of April, eighteen hundred and nine.

Joseph Johnson, five dollars per month, to commence on the eighteenth of March, eighteen hundred and nine.

Jeremiah Robbins, three dollars thirty-three and one-third cents per month, to commence on the thirtieth of January, eighteen hundred and nine.

Abner Kent, five dollars per month, to commence on the thirtieth of January, eighteen hundred and nine.

James Cobey, five dollars per month, to commence on the sixteenth of May, eighteen hundred and nine.

George Vaughan, thirteen dollars thirty-three and one-third cents per month, to commence on the twelfth of January, eighteen hundred and ten.

Statts Hammond, five dollars per month, to commence on the eighteenth of December, eighteen hundred and nine.

Bartlett Hawkins, five dollars per month, to commence on the eighth of March, eighteen hundred and ten.

William Foster, five dollars per month, to commence on the sixteenth of December, eighteen hundred and nine.

Samuel Johnston, five dollars per month, to commence on the first day of January, eighteen hundred and nine.

SEC. 3. *And be it further enacted*, That the Secretary of War be and he is hereby directed to place Andrew Pinkerton on the pension list of invalid pensioners of the United States, and to pay him at the rate of three dollars and thirty cents and one-third of a cent per month, commencing on the twenty-fifth day of August, eighteen hundred and nine.

SEC. 4. *And be it further enacted*, That the several sums specifically appropriated by this act, shall be paid out of any moneys in the Treasury not otherwise appropriated.

Approved, April 27, 1810.

An Act providing for the printing and distributing of such laws of the United States as respect the public lands.

Be it enacted, &c., That the President of the United States be and he is hereby authorized to cause to be collected in one volume, and arranged, the several laws of the United States, resolutions of the Congress under the Confederation, treaties and proclamations that have operation and respect to the public lands: and to cause twelve hundred copies to be printed, one of which shall be transmitted to each of the existing land boards of commissioners for settling land claims, and a copy to each of the registers and receivers of public moneys of the several land offices of the United States; and the residue of the said copies shall be preserved for the future disposition of Congress.

Approved, April 27, 1810.

An Act providing for the better accommodation of the General Post Office and Patent Office, and for other purposes.

Be it enacted, &c., That the President of the United States be and hereby is authorized to erect, or procure by purchase, a building suitable for the accommodation of the General Post Office and of the office of the keeper of the patents, in such situation and finished in such manner as the interest of the United States and the safety and convenience of those offices respectively, and the arrangement of the models in the Patent Office, shall in his opinion require.

SEC. 2. *And be it further enacted*, That the President of the United States be and hereby is authorized to cause the City Post Office and the offices of the Superintendent and Surveyor of the City of Washington to be immediately removed from the public building west of the President's House, and that he cause to be built within the said public building as many fire-proof rooms as shall be sufficient for the convenient deposit of all the public papers and records of the United States belonging to or in the custody of the State, War, or Navy Departments.

SEC. 3. *And be it further enacted*, That the sum of twenty thousand dollars be appropriated for the purposes expressed in this act, out of any moneys in the Treasury not otherwise appropriated.

Approved, April 28, 1810.

An Act providing for the sale of certain lands in the Indiana Territory, and for other purposes.

Be it enacted, &c., That all that tract of land to which the Indian title was extinguished by the treaty made at Fort Wayne on the thirtieth day of September, in the year one thousand eight hundred and nine, lying west and adjoining to the boundary line established by the Treaty of Greenville, shall be attached to and made a part of the district of Cincinnati; and the residue of the lands to which the Indian title was extinguished by the said treaty, and other treaties made at Vincennes in the same year, shall be attached to and made a part of the district of Vincennes. And the said lands, with the exception of section number sixteen, which shall be reserved in each township for the use of schools within the same, shall be offered for sale to the highest bidder, under the direction of the register of the land office, and of the receiver of public moneys, at the places respectively where the land offices are kept, and on such day or days as shall by proclamation of the President of the United States be designated for that purpose. The sales shall remain open at Cincinnati one week, and at Vincennes three weeks, and no longer. The lands shall not be sold for less than two dollars an acre, and shall in every other respect be sold in tracts of the same size, and on the same terms and conditions, as have been or may be provided for lands sold in the same districts. All the lands in the said tracts, with the exception abovementioned, remaining unsold at the close of the said sales, may be disposed of at private sale by the register of the respective

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land offices, in the same manner, under the same regulations, for the same price, and on the same terms and conditions, as are or may be provided by law for the sale of lands in the same districts; and patents shall be obtained in the same manner, and on the same terms, as for other public lands sold in the same districts.

SEC. 2. *And be it further enacted*, That the several superintendents of public sales, directed by this act, shall receive four dollars a day, for each day's attendance on the said sales.

SEC. 3. *And be it further enacted*, That, from and after the first day of June next, the second principal meridian by the Surveyor General in the Indiana Territory shall be the boundary between the districts of Vincennes and Jeffersonville; and the lands included in the said districts, respectively, according to the boundaries above-mentioned, shall become a part of the district in which they are included, and shall be sold at the same place, in the same manner, and on the same terms and conditions, as the other public lands lying in the same district.

SEC. 4. *And be it further enacted*, That any person or persons entitled to donation lands in the district of Vincennes by any former resolution or act of Congress, and who were minors, or did not reside within the Indiana Territory during the time allowed by law for registering claims to land within the said district, and whose claims have not heretofore been presented to either of the boards of commissioners for adjusting claims to land at Vincennes and Kaskaskia, may, until the first day of November next, give notice in writing to the register of the land office of the said district of their claims, and have the evidence of the same recorded in the same manner, and on payment of the fees provided by an act, entitled "An act making provision for the disposal of the public lands in the Indiana Territory, and for other purposes;" and the right of any such persons neglecting to give such notice of his claim, and to have the evidence of the same recorded, shall become void, and forever be barred.

SEC. 5. *And be it further enacted*, That the register of the land office and the receiver of public moneys at Vincennes shall perform the same duties and exercise the same powers in relation to the claims filed with the register under this act, which by the last recited act were enjoined on or vested in the commissioners designated by the said act. And it shall also be the duty of the said register and receiver to make to the Secretary of the Treasury a report of all the claims thus filed with the register of the land office, together with the substance of the evidence adduced in support thereof, with such remarks thereon as they may think proper; which report, together with a list of the claims, which in the opinion of the register and receiver ought to be confirmed, shall be laid by the Secretary of the Treasury before Congress, at their next session, for their determination thereon. And the said register and receiver shall each be allowed an additional compensation of one hundred dollars, in full for their ser-

vices in relation to such claims, and one hundred dollars for clerk hire.

SEC. 6. *And be it further enacted*, That a tract of land in the Illinois Territory, at and including Shawneetown, on the Ohio river, shall, under the direction of the Surveyor General, be laid off into town lots, streets, and avenues, and into out lots, in such manner and of such dimensions as he may judge proper: *Provided*, The tract so to be laid off shall not exceed the quantity of land contained in two entire sections, nor the town lots one-quarter of an acre each. When the survey of the lots shall be completed, a plat thereof shall be returned to the Surveyor General, on which the town lots and out lots shall be respectively designated by progressive numbers, who shall cause two copies to be made—one to be transmitted to the Secretary of the Treasury, and the other to the register of the land office; and the lots shall be offered to the highest bidder at public sale, at the same time and place, on the same terms and conditions, (except as to the quantity of land,) as have or may be provided for the sale of the other public lands in the said Territory: *Provided*, That no town lot shall be sold for a less price than eight dollars, nor any out lot for less than at the rate of five dollars an acre.

Approved, April 30, 1810.

An Act to extend the time for making payments for public lands of the United States, in certain cases.

Be it enacted, &c., That every person who, prior to the first day of January, one thousand eight hundred and six, had purchased any tract or tracts of land of the United States, not exceeding in the whole six hundred and forty acres, at any of the land offices established for the disposal of said lands, whether such purchase was made at public or private sale, (sales by virtue of a pre-emption right only excepted,) and whose lands have not already been actually sold or reverted to the United States for non-payment of part of the purchase-money, and who shall, for the term of at least one year previous to the expiration of five years from the date of the purchase of the land, have actually inhabited and cultivated any one tract of land thus purchased, and the time for making the last payment on account of such purchase, according to former laws, may have expired or shall expire on or before the first day of January next, shall be allowed a further term of two years for the payment of the residue of the principal due on account of such purchase; which further term of two years shall be calculated to commence from the expiration of one year from and after the day on which the last payment on account of such purchase should, according to former laws, have become due, and shall be allowed only on the following conditions, that is to say: first, that all the arrears of interest on the land purchased to the end of one year, from and after the day on which the last payment on account of such purchase should, according to former laws, have become due, shall have been paid at or before the end of such year; second, that the resi-ue

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of the sum due on account of the principal of such purchase shall be paid, with interest thereon, in two equal annual payments, viz: one-half of the said residue, with the interest which may then be due thereon, within one year; and the other half of the said residue, with the interest which may then be due thereon, within two years after the expiration of one year, from and after the day on which the last payment on account of such purchase should, according to former laws, have become due. And in case of failure in paying either the arrears of interest, or each of the two instalments of principal, with the accruing interest, at the time and times abovementioned, the tract of land shall be forthwith advertised and offered for sale in the manner and on the terms and conditions now prescribed for the sale of lands purchased from the United States, and not paid for within the limited time; and shall revert in like manner to the United States, if the sum due, with interest, be not at such sale bidden and paid.

And in cases where any tract or tracts of land, not in the whole exceeding six hundred and forty acres, which have since the first day of January last reverted to the United States for default of payment, the original purchaser may again enter the same tract or tracts. And all moneys which such original purchaser may have paid shall be replaced to his credit by the receiver of public moneys of the respective land offices; and such repurchasers shall be allowed the same benefits of the extension of the time of payment, created by this act, as though no such reversion had occurred: *Provided*, Such original purchaser shall make to the proper land officer such application for such re-entry as is required by law for the entry of lands, on or before the first day of June next, and the land so reverted shall not have then been previously resold.

Approved, April 30, 1810.

An Act regulating the Post Office Establishment.

Be it enacted, &c., That there be established, at the seat of Government of the United States, a General Post Office, under the direction of a Postmaster General. The Postmaster General shall appoint two assistants, and such clerks as may be necessary for performing the business of his office. He shall establish post offices and appoint postmasters at all such places as shall appear to him expedient on the post roads that are or may be established by law. He shall give his assistants, the postmasters, and all other persons whom he shall employ, or who may be employed in any of the departments of the General Post Office, instructions relative to their duty. He shall provide for the carriage of the mail on all post roads that are or may be established by law, and as often as he, having regard to the productiveness thereof, and other circumstances, shall think proper. He may direct the route or road, where there are more than one between places designated by law for a post road, which route shall be considered the post road. He shall obtain from the postmasters their accounts and

vouchers for their receipts and expenditures once in three months, or oftener, with the balances thereon arising in favor of the General Post Office. He shall pay all expenses which may arise in conducting the Post Office, and in the conveyance of the mail, and all other necessary expenses arising on the collection of the revenue and management of the General Post Office. He shall prosecute offences against the Post Office Establishment. He shall once in three months render to the Secretary of the Treasury a quarterly account of all the receipts and expenditures in the said Department, to be adjusted and settled as other public accounts. He shall also superintend the business of the Department in all the duties that are or may be assigned to it: *Provided*, That, in case of the death, resignation, or removal from office, of the Postmaster General, all his duties shall be performed by his senior assistant, until a successor shall be appointed, and arrive at the General Post Office, to perform the business.

SEC. 2. And be it further enacted, That the Postmaster General, and all other persons employed in the General Post Office, or in the care, custody, or conveyance, of the mail, shall, previous to entering upon the duties assigned to them, or the execution of their trusts, and before they shall be entitled to receive any emolument therefor, respectively take and subscribe the following oath or affirmation, before some magistrate, and cause a certificate thereof to be filed in the General Post Office: "I, A B, do swear (or affirm, as the case may be) that I will faithfully perform all the duties required of me, and abstain from everything forbidden by the laws in relation to the establishment of the Post Office and post roads within the United States." Every person who shall be in any manner employed in the care, custody, conveyance, or management, of the mail, shall be subject to all the pains, penalties, and forfeitures, for violating the injunctions, or neglecting the duties required of him by the laws relating to the establishment of the Post Office and post roads, whether such person shall have taken the oath or affirmation above prescribed or not.

SEC. 3. And be it further enacted, That it shall be lawful for the Postmaster General to provide by contract for the carriage of the mail on any road on which a stage, wagon, or other stage carriage, shall be established, on condition that the expense thereof shall not exceed the revenue thence arising. It shall also be lawful for the Postmaster General to enter into contracts, for a term not exceeding eight years, for extending the line of posts, and to authorize the persons so contracting, as a compensation for their expenses, to receive during the continuance of such contracts, at rates not exceeding those for like distances established by this act, all the postage which shall arise on letters, newspapers, magazines, pamphlets, and packets, conveyed by any such posts; and the roads designated in such contracts shall, during the continuance thereof, be deemed and considered as post roads within the provision of this act: And a duplicate of every such contract shall, within sixty days after the execution thereof, be

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lodged in the office of the Comptroller of the Treasury of the United States.

SEC. 4. *And be it further enacted*, That no other than a free white person shall be employed in carrying the mail of the United States on any of the post roads, either as a post-rider or driver of a carriage carrying the mail; and every contractor or person who shall have stipulated or may hereafter stipulate to carry the mail, or whose duty it shall be to cause the same to be conveyed on any of the post roads as aforesaid, and who shall, contrary to this act, employ any other than a free white person as a post-rider or driver, or in any other way to carry the mail on the same, shall for every such offence forfeit and pay the sum of fifty dollars—one moiety thereof to the use of the United States, and the other moiety thereof to the person who shall sue for and prosecute the same, before any court having competent jurisdiction thereof.

SEC. 5. *And be it further enacted*, That the Postmaster General shall be authorized to allow the postmasters at the several distributing offices such compensation as shall be adequate to their several services in that respect: *Provided*, That the same shall not exceed, in the whole, five per cent. on the whole amount of postages on letters and newspapers received for distribution: *Provided, also*, That if the number of mails received at and despatches from any such office is not increased by the distributing system, then no additional allowance shall be made to the postmaster.

SEC. 6. *And be it further enacted*, That, whenever it shall be made to appear to the satisfaction of the Postmaster General that any road established, or which may hereafter be established, as a post road, is obstructed by fences, gates, or bars, other than those lawfully used on turnpike roads to collect their toll, and not kept in good repair, with proper bridges and ferries where the same may be necessary, it shall be the duty of the Postmaster General to report the same to Congress, with such information as can be obtained, to enable Congress to establish some other road instead of it, in the same main direction.

SEC. 7. *And be it further enacted*, That, if any person shall knowingly and wilfully obstruct or retard the passage of the mail, or of any driver or carrier, or of any horse or carriage carrying the same, he shall, upon conviction, for every such offence, pay a fine not exceeding one hundred dollars. And if any ferryman shall by wilful negligence or refusal to transport the mail across any ferry, delay the same, he shall forfeit and pay for each ten minutes that the same shall be so delayed, a sum not exceeding ten dollars.

SEC. 8. *And be it further enacted*, That it shall be the duty of the Postmaster General to give public notice in one or more of the newspapers published at the seat of Government of the United States, and in one or more of the newspapers published in the State or States or Territory where the contract is to be performed, for at least six weeks before entering into any contract for carrying the mail, that such contract is intended to be made, and the day on which it is to be con-

cluded, describing the places from and to which such mail is to be conveyed, the time at which it is to be made up, and the day and hour at which it is to be delivered. He shall, moreover, within ninety days after the making of any contract, lodge a duplicate thereof, together with the proposals which he shall have received respecting it, in the office of the Comptroller of the Treasury of the United States: *Provided*, That no contract shall be entered into for a longer term than four years.

SEC. 9. *And be it further enacted*, That every postmaster shall keep an office, in which one or more persons shall attend on every day on which a mail or bag or other packet or parcel of letters shall arrive by land or water, as well as on other days, at such hours as the Postmaster General shall direct, for the purpose of performing the duties thereof; and it shall be the duty of the postmaster, at all reasonable hours, on every day of the week, to deliver on demand any letter, paper, or packet, to the person entitled to or authorized to receive the same; and all letters brought to any post office half an hour before the time of making up the mail at such office shall be forwarded therein, except at such post offices where, in the opinion of the Postmaster General, it requires more time for making up the mail, and which he shall accordingly prescribe; but this shall in no case exceed one hour.

SEC. 10. *And be it further enacted*, That no fees or perquisites shall be received by any person employed in the General Post Office on account of the duties to be performed by virtue of his appointment.

SEC. 11. *And be it further enacted*, That the following rates of postage shall be charged on all letters and packets (excepting such as are hereinafter exempted) conveyed by the posts of the United States, viz: for every letter composed of a single sheet of paper, conveyed not exceeding forty miles, eight cents; over ninety, and not exceeding one hundred and fifty miles, twelve and a half cents; over one hundred and fifty, and not exceeding three hundred miles, seventeen cents; over three hundred, and not exceeding five hundred miles, twenty cents; over five hundred miles, twenty-five cents. And for every double letter, or one composed of two pieces of paper, double those rates; and for every triple letter, or one composed of three pieces of paper, triple those rates; and for every packet composed of four or more pieces of paper, or other thing, and weighing one ounce avoirdupois, quadruple those rates, and in that proportion for all greater weight: *Provided*, That no packet of letters conveyed by the water mail shall be charged with more than quadruple postage, unless the same shall actually contain more than four distinct letters. No postmaster shall be obliged to receive, to be conveyed by the mail, any packet which shall weigh more than three pounds: And the postage marked on any letter or package, and charged on the post bill, which may accompany the same, shall, in favor of the postmaster who delivers out said letter, be conclusive evidence of the lawful

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postage thereon, unless said letter shall be opened in the presence of the said postmaster or his clerk.

SEC. 12. *And be it further enacted,* That every letter or packet brought into the United States, or carried from one port therein to another, in any private ship or vessel, shall be charged with six cents, if delivered at the post office where the same shall arrive, and if destined to be conveyed by post to any other place, with two cents added to the ordinary rates of postage.

SEC. 13. *And be it further enacted,* That if any postmaster, or other person authorized by the Postmaster General to receive the postage of letters, shall fraudulently demand or receive any rate of postage, or gratuity, or reward, other than is provided by this act, for the postage of letters or packets; on conviction thereof he shall forfeit, for every such offence, one hundred dollars, and shall be rendered incapable of holding any office or appointment under the Government of the United States.

SEC. 14. *And be it further enacted,* That no ship or vessel arriving at any port within the United States, where a post office is established, shall be permitted to report, make entry, or break bulk, until the master or commander shall have delivered to the postmaster all letters directed to any person or persons within the United States, or the Territories thereof, which, under his care, or within his power, shall be brought in such ship or vessel, except such as are directed to the owner or consignee of the ship or vessel, and except also such as are directed to be delivered at the port of delivery to which such ship or vessel may be bound. And it shall be the duty of the collector, or other officer of the port, empowered to receive entries of ships or vessels, to require from every master or commander of such ship or vessel, an oath or affirmation, purporting that he has delivered all such letters, except as aforesaid. And if the commander or master of any ship or vessel shall break bulk before he shall have complied with the requirements of this act, every such offender shall, on conviction thereof, forfeit for every such offence a sum not exceeding one hundred dollars.

SEC. 15. *And be it further enacted,* That the postmasters to whom such letters may be delivered, shall pay to the master or commander, or other person, delivering the same, except the commanders of foreign packets, two cents for each letter or packet, and shall obtain from the person delivering the same, a certificate specifying the number of letters and packets, with the name of the ship or vessel, and the place from whence she last sailed; which certificate, together with a receipt for the money, shall be, with his quarterly accounts, transmitted to the Postmaster General, who shall credit him with the amount.

SEC. 16. *And be it further enacted,* That if any person, other than the Postmaster General or his deputies, or persons by them employed, shall be concerned in setting up or maintaining any foot or horse post, stage wagon, or other stage carriage or sleigh, on any established post roads, or from one post town to another post town, on

any road adjacent or parallel to an established post road, or any packet boat or vessel to ply regularly from one place to another, between which a regular communication by water shall be established by the United States, and shall receive any letter or packet, other than newspapers, magazines, or pamphlets, and carry the same by such foot or horse post, stage wagon, or other stage carriage, or sleigh, packet boat, or vessel, (excepting only such letter or letters as may be directed to the owner or owners of such conveyance, and relating to the same, or to the person to whom any packet or bundle in such conveyance is intended to be delivered,) every person so offending shall forfeit for every such offence the sum of fifty dollars: *Provided,* That it shall be lawful for any person to send letters or packets by a special messenger.

SEC. 17. *And be it further enacted,* That the deputy postmasters and other agents of the Postmaster General shall duly account and answer to him, for all way-letters which shall come to their hands; and for this purpose the post riders and carriers of the mail, receiving any way-letter or letters (and it shall be their duty to receive them, if presented more than two miles from a post office) shall deliver the same, together with the postage, if paid, at the post office to which they shall afterwards arrive, where the postmaster shall duly enter the same, and specify the number and rate or rates in the post bill, adding to the rate of each way-letter, one cent, which shall be paid by the postmaster to the mail carrier from whom such way-letters shall be received. And that letters directed to persons living between post offices may be delivered, and the postage thereof duly collected, it shall be the duty of the carriers of the mail to take charge of, and deliver all such letters as shall for that purpose be committed to them by any postmaster, and collect the postage thereof, which shall be paid over to such postmaster on demand. And for every letter so delivered, the mail carrier delivering the same shall be allowed to demand and receive two cents to his own use, besides the ordinary postage. And if any postmaster or other agent of the Postmaster General shall neglect so to account, he or they so offending shall, on conviction thereof, forfeit for every such offence a sum not exceeding fifty dollars: *Provided,* That no mail carrier shall make such deliveries at any place not on the post road: *Provided, also,* That the receipt and delivery of letters on the way, between post offices, shall not be required of the mail carriers in cases where, in the opinion of the Postmaster General, the time or manner of carrying the mail, or the speed of conveyance, is incompatible with such receipts and deliveries.

SEC. 18. *And be it further enacted,* That if any person, employed in any of the departments of the General Post Office, shall unlawfully detain, delay or open any letter, packet, bag, or mail of letters, with which he shall be entrusted, or which shall have come to his possession, and which are intended to be conveyed by post, or if any such person shall secrete, embezzle, or de-

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stroy any letter or packet entrusted to him as aforesaid, and which shall not contain any security for, or assurance relating to money, as hereinafter described, every such offender, being thereof duly convicted, shall, for every such offence, be fined, not exceeding three hundred dollars, or imprisoned, not exceeding six months, or both, according to the circumstances and aggravations of the offence. And if any person, employed as aforesaid, shall secrete, embezzle, or destroy any letter, packet, bag, or mail of letters, with which he shall be entrusted, or which shall have come to his possession, and are intended to be conveyed by post, containing any bank note or bank post bill, bill of exchange, warrant of the Treasury of the United States, note of assignment of stock in the funds, letters of attorney for receiving annuities or dividends, or for selling stock in the funds, or for receiving the interest thereof, or any letter of credit, or note for or relating to payment of moneys, or any bond or warrant, draft, bill, or promissory note, covenant, contract, or agreement whatsoever, for or relating to the payment of money, or the delivery of any article of value, or the performance of any act, matter, or thing, or any receipt, release, acquittance, or discharge, or of from any debt, covenant, demand, or any part thereof, or any copy of any record of any judgment or decree, in any court of law or chancery, or any execution which may have issued thereon, or any copy of any other record, or any other article of value, or any writing representing the same; or if any such person, employed as aforesaid, shall steal or take any of the same out of any letter, packet, bag, or mail of letters, that shall come to his possession, he shall, on conviction, for any such offence, be imprisoned not exceeding ten years. And if any person, who shall have taken charge of the mail of the United States, shall quit or desert the same, before he delivers it into the post office kept at the termination of his route, or to some known mail carrier, or agent of the General Post Office authorized to receive the same, every such person, so offending, shall forfeit and pay a sum not exceeding five hundred dollars for every such offence. And if any person, concerned in carrying the mail of the United States, shall collect, receive or carry any letter or packet, or shall cause or procure the same to be done, contrary to this act, every such offender shall forfeit and pay, for every such offence, a sum not exceeding fifty dollars.

SEC. 19. *And be it further enacted*, That if any person shall rob any carrier of the mail of the United States, or other person entrusted therewith, of such mail, or of part thereof, such offender or offenders shall, on conviction, be imprisoned, not exceeding ten years, and if convicted a second time of a like offence, he or they shall suffer death; or, if in effecting such robbery of the mail the first time, the offender shall wound the person having custody thereof, or put his life in jeopardy by the use of dangerous weapons, such offender or offenders shall suffer death. And if any person shall attempt to rob the mail of the United

States by assaulting the person having custody thereof, shooting at him, or his horse, or mule, or threatening him with dangerous weapons, and the robbery is not effected, every such offender, on conviction thereof, shall be punished by imprisonment, not exceeding three years. And if any person shall steal the mail, or shall steal or take from or out of any mail, or from or out of any post office, any letter or packet, or if any person shall take the mail, or any letter or packet therefrom or from any post office, whether with or without the consent of the person having custody thereof, and shall open, embezzle, or destroy any such mail, letter, or packet, the same containing any article of value, or evidence of any debt, due, demand, right, or claim, or any release, receipt, acquittance, or discharge, or any other article, paper, or thing mentioned and described in the eighteenth section of this act, or if any person shall, by fraud or deception, obtain, from any person having custody thereof, any mail, letter, or packet, containing any article of value, or evidence thereof, or either of the writings referred to, or next above-mentioned, such offender or offenders, on conviction thereof, shall be imprisoned, not exceeding seven years. And if any person shall take any letter or packet not containing any article of value, or evidence thereof, out of a post office, or shall open any letter or packet which shall have been in a post office, or in the custody of a mail carrier, before it shall have been delivered to the person to whom it is directed, with a design to obstruct the correspondence, to pry into another's business or secrets, or shall secrete, embezzle, or destroy any such mail, letter, or packet, such offender, upon conviction, shall pay for every such offence a sum not exceeding five hundred dollars.

SEC. 20. *And be it further enacted*, That if any person shall rip, cut, tear, burn, or otherwise injure any portmanteau, valise, or other bag, used, or designed to be used by any person acting under the authority of the Postmaster General, or any person in whom his powers are vested in the conveyance of any mail, letter, packet, newspaper, or pamphlet, or shall draw or break any staple, or loosen any part of any lock, chain, or strap, attached or belonging to any such valise, portmanteau, or bag, with an intent to rob or steal any mail, letter, packet, newspaper, or pamphlet, or to render either of the same insecure, every such offender, upon conviction, shall, for every such offence, pay a sum not exceeding five hundred dollars, or be imprisoned not exceeding three years, at the discretion of the court before whom such conviction is had.

SEC. 21. *And be it further enacted*, That every person who, from and after the passage of this act, shall procure, aid, advise, or assist in the doing or perpetration of any of the acts or crimes by this act forbidden to be done or performed, shall be subject to the same penalties and punishments as the persons are subject to who shall actually do or perpetrate any of said acts or crimes, according to the provisions of this act.

SEC. 22. *And be it further enacted*, That every

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person who shall be imprisoned by a judgment of court, under and by virtue of the eighteenth, nineteenth, twentieth, or twenty-first section of this act, shall be kept at hard labor during the period of such imprisonment.

SEC. 23. *And be it further enacted*, That the postmasters shall, respectively, publish at the expiration of every three months, or oftener, when the Postmaster General shall so direct, in one of the newspapers published at or nearest the place of his residence, for three successive weeks, a list of all the letters remaining in their respective offices, or, instead thereof, shall make out a number of such lists, and cause them to be posted at such public places in their vicinity, as shall appear to them best adapted for the information of the parties concerned; and at the expiration of the next three months, shall send such of the said letters as then remain on hand, as dead letters, to the General Post Office, where the same shall be opened and inspected; and if any valuable papers, or matter of consequence shall be found therein, it shall be the duty of the Postmaster General to return such letter to the writer thereof, or cause a descriptive list thereof to be inserted in one of the newspapers published at the place most convenient to the supposed residence of the owner, if within the United States; and such letter, and the contents, shall be preserved to be delivered to the person to whom the same shall be addressed, upon payment of the postage and the expense of publication. And if such letter, with its contents, be not demanded by the person to whom it is addressed, or the owner thereof, or his lawful agent, within two years after the advertisement thereof, as aforesaid, the said contents shall be applied to the use of the United States, until the same shall be reclaimed by the proprietor thereof; the manner of such application to be stated by the Postmaster General to the Secretary of the Treasury.

SEC. 24. *And be it further enacted*, That letters and packets to and from the following officers of the United States, shall be received and conveyed by post, free of postage: each postmaster, provided each of his letters or packets shall not exceed half an ounce in weight; each member of the Senate, and each member and delegate of the House of Representatives to the Congress of the United States; the Secretary of the Senate, and Clerk of the House of Representatives, provided each letter or packet shall not exceed two ounces in weight, and during their actual attendance in any session of Congress, and twenty days after such session, and in case of excess of weight, that excess alone shall be paid for; the President of the United States; Vice President, the Secretaries of State, of the Treasury, of War, of the Navy; the Attorney General, the Comptroller, Treasurer, Auditor, Register, Supervisor of the Direct Tax for the district of South Carolina, Superintendent of Indian Trade, Purveyor, the Inspector and Paymaster of the Army, Accountants of the War and Navy Departments, Postmaster General, and the Assistants Postmaster General; John Adams, a former President of the

United States; and Thomas Jefferson, late President of the United States; and they may all receive their newspapers by post, free of postage: *Provided*, That the members of the Senate and House of Representatives, Secretary of the Senate, and Clerk of the House of Representatives, shall receive their newspapers free of postage, only during any session of Congress, and twenty days after the expiration of the same; *And, provided*, That no letter or packet from any public officer, shall be conveyed by post, free of postage, unless he shall frank the same, by writing his name and office on the outside of such letter or packet, and until he has previously furnished the postmaster of the office where he shall deposite the same with a specimen of his signature.

SEC. 25. *And be it further enacted*, That if any person shall frank letters other than those written by himself, or by his order, on the business of his office, he shall, on conviction thereof, pay a fine of ten dollars; *Provided*, That the Secretary of the Treasury, Secretary of State, Secretary of War, Secretary of the Navy, and Postmaster General, may frank letters or packets on official business, prepared in any other public office in the absence of the principal thereof. And if any person having the right to receive his letters free of postage, shall receive, enclosed to him, any letter or packet addressed to a person not having that right, it shall be his duty to return the same to the post office, marking thereon the place from whence it came, that it may be charged with postage. And if any person shall counterfeit the handwriting or frank of any person, or cause the same to be done, in order to avoid the payment of postage, each person so offending shall pay for every such offence fifty dollars.

SEC. 26. *And be it further enacted*, That every printer of newspapers may send one paper to each and every other printer of newspapers within the United States, free of postage, under such regulations as the Postmaster General shall provide.

SEC. 27. *And be it further enacted*, That all newspapers conveyed in the mail shall be under cover, open at one end, and charged with a postage of one cent each, for any distance not more than one hundred miles, and one and a half cents for any greater distance: *Provided*, That the postage of a single newspaper from any one place to another, in the same State, shall not exceed one cent; and that the Postmaster General shall require those who receive newspapers by post, to pay always the amount of one quarter's postage in advance. If any person employed in any department of the Post Office shall improperly detain, delay, or embezzle, or destroy any newspaper, or shall permit any other person to do the like, or shall open, or permit any other to open any mail or packet of newspapers not directed to the office where he is employed, he shall, on conviction thereof, forfeit a sum not exceeding fifty dollars for every such offence. And if any other person shall open any mail or packet of newspapers, or shall embezzle or destroy the same, not

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being directed to himself, or not being authorized to receive and open the same, he shall, on conviction thereof, pay a sum not exceeding twenty dollars for every such offence. And if any person shall take or steal any packet, bag, or mail of newspapers, from or out of any post office, or from any person having custody thereof, such person shall, on conviction, be imprisoned, not exceeding three months for every such offence, to be kept at hard labor during the period of such imprisonment. If any person shall enclose or conceal a letter or other thing, or any memorandum in writing in a newspaper or among any package of newspapers, which he shall have delivered into any post office, or to any person for that purpose, in order that the same may be carried by post, free of letter postage, he shall forfeit the sum of five dollars for every such offence; and the letter, newspaper, package, or memorandum, or other thing, shall not be delivered to the person to whom it is directed until the amount of single letter postage is paid for each article of which the package shall be composed. No newspapers shall be received by the postmasters to be conveyed by post, unless they are sufficiently dried and enclosed, in proper wrappers, on which, beside the direction, shall be noted the number of papers which are enclosed for subscribers and the number for printers. The Postmaster General, in any contract he may enter into for the conveyance of the mail, may authorize the person with whom such contract is to be made, to carry newspapers, magazines, and pamphlets, other than those conveyed in the mail. When the mode of conveyance and the size of the mails will admit of it, magazines and pamphlets may be transported in the mail at one cent a sheet, for any distance not exceeding fifty miles, at one cent and an half for any distance over fifty and not exceeding one hundred miles, and two cents for any greater distance.

SEC. 28. *And be it further enacted*, That the Postmaster General be authorized to allow to the postmasters, respectively, such commission on the moneys arising from the postage of letters and packets as shall be adequate to their respective services and expenses: *Provided*, That the said commission shall not exceed thirty per cent. on the first hundred dollars collected in one quarter, and twenty-five per cent. on a sum over one hundred and not more than three hundred; and twenty per cent. on any sum over four hundred and not exceeding two thousand dollars; and eight per cent. on any sum collected, being over two thousand four hundred dollars; except to the postmaster who may be employed in receiving and dispatching foreign mails, whose compensation may be augmented, not exceeding twenty-five dollars, in one quarter, and excepting to the postmasters at offices where the mail is regularly to arrive, between the hours of nine o'clock at night and five o'clock in the morning; whose commission on the first hundred dollars collected in one quarter, may be increased to a sum not exceeding fifty per cent. The Postmaster General may allow to the postmasters, respectively, a

commission of fifty per cent. on the money arising from the postage of newspapers, magazines, and pamphlets; and to the postmasters, whose compensation shall not exceed five hundred dollars in one quarter, two cents for every free letter delivered out of the office, excepting such as are for the postmaster himself; and each postmaster who shall be required to keep a register of the arrival and departure of the mails, shall be allowed ten cents for each monthly return which he makes thereof to the General Post Office.

SEC. 29. *And be it further enacted*, That if any postmaster or other person authorized to receive the postage of letters and packets shall neglect or refuse to render his accounts, and pay over to the Postmaster General the balance by him due at the end of every three months, it shall be the duty of the Postmaster General to cause a suit to be commenced against the person or persons so neglecting or refusing; and if the Postmaster General shall not cause such suit to be commenced within six months from the end of every such three months, the balances due from every such delinquent shall be charged to and recoverable from the Postmaster General. That all suits which shall be hereafter commenced for the recovery of debts or balances due to the General Post Office, whether they appear by bond or obligations made in the name of the existing or any preceding Postmaster General, or otherwise, shall be instituted in the name of the "Postmaster General of the United States." That certified copies, under the seal of the General Post Office, of the accounts current of the several postmasters, after the same shall have been examined and adjusted at that office, shall be admitted as evidence in all suits brought by the Postmaster General for the recovery of balances or debts due from postmasters, and, in like manner, copies of such accounts current as are lodged in the office of the Register of the Treasury, certified by the Register under the seal of his office, shall be admitted as evidence.

SEC. 30. *And be it further enacted*, That if any postmaster or other person who shall receive and open, or dispatch mails, shall neglect to render accounts for one month after the time, and in the form and manner prescribed by law, and by the Postmaster General's instructions conformable therewith, he shall forfeit double the value of the postages which shall have arisen at the same office in any equal portion of time previous or subsequent thereto; or in case no account shall have been rendered at the time of trial of such case, then such sum as the court or jury shall estimate equivalent thereto, to be recovered by the Postmaster General in an action on the case.

SEC. 31. *And be it further enacted*, That all pecuniary penalties and forfeitures, incurred under this act, shall be one half for the use of the person or persons informing and prosecuting for the same, and the other half to the use of the United States.

SEC. 32. *And be it further enacted*, That it shall be lawful for the Postmaster General to make provision, where it may be necessary, for

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the receipt of all letters and packets intended to be conveyed by any ship or vessel beyond sea, or from any port in the United States, to another port therein; and the letters so received shall be formed into a mail, sealed up and directed to the postmaster of the port to which such ship or vessel shall be bound. And for every letter or packet so received, there shall be paid at the time of its reception, a postage of one cent, which shall be for the use of the postmasters, respectively, receiving the same. And the Postmaster General may make arrangements with the postmasters in any foreign country, for the reciprocal receipt and delivery of letters and packets through the post offices.

SEC. 33. *And be it further enacted*, That the postmasters and the persons employed in the transportation of the mail shall be exempt from militia duties, and serving on juries, or any fine or penalty for neglect thereof.

SEC. 34. *And be it further enacted*, That letter carriers shall be employed at such post offices as the Postmaster General shall direct, for the delivery of letters in the places, respectively, where such post offices are established; and for the delivery of each such letter, the letter carrier may receive of the person to whom the delivery is made, two cents: *Provided*, That no letter shall be delivered to such letter carrier for distribution, addressed to any person who shall have lodged at the post office a written request that his letters shall be detained in the office. And for every letter lodged at any post office, not to be carried by post, but to be delivered at the place where it is to be so lodged, the postmaster shall receive one cent of the person to whom it shall be delivered.

SEC. 35. *And be it further enacted*, That all causes of action arising under this act may be sued, and all offenders against this act may be prosecuted, before the justices of the peace, magistrates and other judicial courts of the several States, and of the several Territories of the United States, they having competent jurisdiction by the laws of such States or Territories, to the trial of claims and demands of as great value, and of the prosecutions where the punishments are of as great extent; and such justices, magistrates, or judiciary, shall take cognizance thereof, and proceed to judgment and execution, as in other cases.

SEC. 36. *And be it further enacted*, That in all suits or causes arising under this act, the court shall proceed to trial, and render judgment the first term after such suit shall be commenced; *Provided always*, That whenever service of the process shall not have been made twenty days at least previous to the return day of such term, the defendant shall be entitled to one continuance, if the court, on the statement of such defendant, shall judge it expedient: *Provided also*, That if the defendant in such suits shall make affidavit that he has a claim against the General Post Office, not allowed by the Postmaster General, although submitted to him conformably to the regulations of the Post Office, and shall specify such claim in the affidavit, and that he could not

be prepared for the trial at such term for want of evidence, the court in such case, being satisfied in those respects, may grant a continuance until the next succeeding term.

SEC. 37. *And be it further enacted*, That it shall be the duty of the Postmaster General to report, annually to Congress, every post road which shall not, after the second year from its establishment, have produced one-third of the expense of carrying the mail on the same.

SEC. 38. *And be it further enacted*, That there shall be allowed to the deputy postmaster, at the City of Washington, for his extraordinary expenses, incurred in the discharge of the duties of his office, an additional compensation, at the rate of one thousand dollars per annum, to be paid out of the funds of the Post Office Establishment.

SEC. 39. *And be it further enacted*, That the Adjutant General of the militia of each State and Territory shall have the right to receive, by mail, free of postage, from any Major or Brigadier General thereof, and to transmit to said Generals, any letter or packet, relating solely to the militia of such State or Territory: *Provided, always*, That every such officer, before he delivers any such letter or package for transmission, shall, in his own proper handwriting, on the outside thereof, endorse the nature of the papers enclosed, and thereto subscribe his name and office, and shall previously furnish the postmaster of the office where he shall deposite the same with a specimen of his signature. And if any such officer shall frank any letter or package in which shall be contained anything relative to any subject other than of the militia of such State or Territory, every offender shall, on conviction of every such offence, forfeit and pay a fine of fifty dollars.

SEC. 40. *And be it further enacted*, That from and after the thirtieth day of September next, whenever the annual emoluments of any postmaster, after deducting therefrom the expenditures incident to his office, shall amount to more than two thousand dollars, the surplus shall be accounted for, and paid to the Postmaster General, and by him to be accounted for in the same manner as other moneys accruing from the Post Office Establishment.

SEC. 41. *And be it further enacted*, That every deputy postmaster, the receipt of whose office exceeds one thousand dollars a year, shall, on the last day of September in each year, transmit to the Postmaster General of the United States a statement of the expenses of the office under his direction, of the number of clerks, with the time they have been severally employed therein, and their respective names and ages.

SEC. 42. *And be it further enacted*, That, from and after the first day of June next, the second section of an act, entitled "An act to establish the Post Office and post roads within the United States," approved on the eighth day of May, one thousand seven hundred and ninety-four, and an act, entitled "An act to establish the Post Office of the United States," approved on the second day of March, one thousand seven hundred and ninety-nine, and all other acts and parts of acts

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heretofore passed for the regulation and government of the General Post Office, and of the Postmaster General, and other officers and agents employed in said office, shall be, and the same are hereby, repealed: *Provided*, That an act, entitled "An act concerning public contracts," approved on the twenty-first day of April, one thousand eight hundred and eight, shall be and remain in full force, and no post road heretofore established shall be discontinued by this act: *Provided, also*, That nothing herein contained shall be construed to exonerate any person who shall not have performed the duty, or who shall have violated any of the prohibitions contained in the said acts from suits or prosecutions; but, as to all bonds, contracts, debts, demands, rights, penalties, punishments, which have been made, have arisen, or have been incurred, or which shall be made, arise, or be incurred previous to the first day of June next, the said acts shall have the same force and effect as though this act had not been made: *Provided, likewise*, That the Postmaster General, Assistant Postmaster General, deputy postmasters, contractors for carrying the mail, and others employed under the aforesaid acts, shall continue to hold their several offices, appointments, and trusts, until they are otherwise removed; anything herein contained that might be construed to the contrary, notwithstanding; and also the bonds which they, or either of them, have given or may give for the faithful execution of their several duties and offices, shall continue to have the same force and effect, to all intents and purposes, as though this act had not been made.

Approved, April 30, 1810.

An Act further to alter and amend "An act providing for the Third Census, or enumeration of the inhabitants of the United States."

Be it enacted, &c., That so much of the first section of the act, passed during the present session of Congress, entitled "An act providing for the third census or enumeration of the inhabitants of the United States," as relates to the forms of the oaths or affirmations thereby directed to be taken by the marshals, secretaries, and assistants therein mentioned, respectively, shall be, and hereby is, repealed; and that the said oaths or affirmations shall be in the following forms, that is to say: The marshals' and secretaries' oath, in the form following: "I, A B, marshal of the district of —, (or secretary of the Territory of —, as the case may be,) do solemnly swear, or affirm, that I will well and truly cause to be made a just and perfect enumeration and description of all persons resident within my district, (or Territory,) and return the same to the Secretary of State, agreeably to the directions of the several acts of Congress, providing for the third census or enumeration of the inhabitants of the United States, according to the best of my ability." And the assistants' oath or affirmation, in the form following: "I, A B, do solemnly swear, or affirm, that I will make a just and perfect enumeration and description of all persons resident within the division assigned to me for that purpose, by the

marshal of —, (or the secretary of the Territory of —, as the case may be,) and make due return thereof to the said marshal, (or secretary,) agreeably to the directions of the several acts of Congress providing for the third census or enumeration of the inhabitants of the United States, according to the best of my ability."

Sec. 2. And be it further enacted, That it shall be the duty of the several marshals, secretaries, and their assistants aforesaid, at the time for taking the census or enumeration aforesaid, to take, under the direction of the Secretary of the Treasury, and according to such instructions as he shall give, an account of the several manufacturing establishments and manufactures within their several districts, Territories, and divisions. The said assistants shall make return of the same to the marshals or secretaries of their respective districts or Territories, and the said marshals and secretaries shall transmit the said returns, and abstracts thereof, to the Secretary of the Treasury, at the same times at which they are by this act, and the several acts to which this act is an addition, required, respectively, to make their return of said enumeration to the Secretary of State; for the performance of which additional services they shall, respectively, receive such compensation as shall hereafter be provided by law.—Approved, May 1, 1810.

An Act concerning the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes.

Be it enacted, &c., That, from and after the passage of this act, no British or French armed vessel shall be permitted to enter the harbors or waters under the jurisdiction of the United States; but every British and French armed vessel is hereby interdicted, except when they shall be forced in by distress, by the dangers of the sea, or when charged with despatches or business from their Government, or coming as a public packet for the conveyance of letters; in which cases, as well as in all others, when they shall be permitted to enter, the commanding officer shall immediately report his vessel to the collector of the district, stating the object or causes of his entering the harbors or waters of the United States; and shall take such position therein as shall be assigned him by such collector; and shall conform himself, his vessel and crew, to such regulations respecting health, repairs, supplies, stay, intercourse, and departure, as shall be signified to him by the said collector, under the authority and directions of the President of the United States; and, not conforming thereto, shall be required to depart from the United States.

Sec. 2. And be it further enacted, That all pacific intercourse with any interdicted foreign armed vessels, the officers or crew thereof, is hereby forbidden; and if any person shall afford any aid to such armed vessel either in repairing her, or in furnishing her, her officers or crew, with supplies of any kind or in any manner whatsoever, or if any pilot shall assist in navigating the said armed vessel, contrary to this prohibition, unless

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for the purpose of carrying her beyond the limits and jurisdiction of the United States, the person or persons so offending, shall be liable to be bound to their good behaviour, and shall moreover forfeit and pay a sum not exceeding two thousand dollars, to be recovered upon indictment or information, in any court of competent jurisdiction; one moiety thereof to the Treasury of the United States, and the other moiety to the person who shall give information and prosecute the same to effect: *Provided*, That if the prosecution shall be by public officer the whole forfeiture shall accrue to the Treasury of the United States.

SEC. 3. *And be it further enacted*, That all the penalties and forfeitures which may have been incurred under the act entitled "An act to interdict the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes," and also all the penalties and forfeitures which may have been incurred under the act laying an embargo on all ships and vessels in the ports and harbors of the United States, or under any of the several acts supplementary thereto, or to enforce the same, or under the acts to interdict the commercial intercourse between the United States and Great Britain and France and their dependencies, and for other purposes, shall be recovered and distributed, and may be remitted in the manner provided by the said acts respectively, and in like manner as if the said acts had continued in full force and effect.

SEC. 4. *And be it further enacted*, That in case either Great Britain or France shall, before the third day of March next, so revoke or modify her edicts as that they shall cease to violate the neutral commerce of the United States, which fact the President of the United States shall declare by proclamation, and if the other nation shall not within three months thereafter so revoke or modify her edicts in like manner, then the third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, and eighteenth sections of the act, entitled "An act to interdict the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes," shall, from and after the expiration of three months from the date of the proclamation aforesaid, be revived and have full force and effect, so far as relates to the dominions, colonies, and dependencies, and to the articles the growth, produce, or manufacture, of the dominions, colonies, and dependencies of the nation thus refusing or neglecting to revoke or modify her edicts in the manner aforesaid. And the restrictions imposed by this act shall, from the date of such proclamation, cease and be discontinued in relation to the nation revoking or modifying her decrees in the manner aforesaid.—Approved, May 1, 1810.

An Act making further appropriations for completing the Capitol, and for other purposes.

Be it enacted, &c., That, in addition to the appropriations heretofore made, the following sums of money be, and the same are hereby appropriated, to be applied under the direction of the

President of the United States, to the purposes hereinafter mentioned, that is to say:

For sculpture, and warming and ventilating the Chamber of the House of Representatives, seven thousand five hundred dollars:

For defraying the expense of completing the Court room, and the offices of the Judiciary, on the east side, completing the Senate Chamber and stopping the leaks in the roof of the north wing of the Capitol, twenty thousand dollars:

For repairs to the President's house and offices, five thousand dollars.

SEC. 2. *And be it further enacted*, That it be the duty of the Superintendent of the City of Washington, prior to any farther advances of money being made, to call for all claims now due on account of materials furnished or work done in the public buildings, in order that the same may be liquidated and paid.

SEC. 3. *And be it further enacted*, That the several sums of money hereby appropriated shall be paid out of any money in the Treasury not otherwise appropriated.—Approved, May 1, 1810.

An Act confirming the decisions of the Commissioners in favor of the claimants of land in the District of Kaskaskia.

Be it enacted, &c., That all the decisions made by the commissioners appointed for the purpose of examining the claims of persons claiming lands in the district of Kaskaskia, in favor of such claimants, as entered in the transcript of decisions, bearing date the thirty-first day of December, eighteen hundred and nine, which have been transmitted by the said commissioners to the Secretary of the Treasury according to law, be, and the same are hereby confirmed.

Approved, May 1, 1810.

An Act making appropriations for carrying into effect certain Indian treaties.

Be it enacted, &c., That, for the purpose of carrying into effect a treaty between the United States and the Delaware, Pottawatimies, and Eel river tribes of Indians, concluded at Fort Wayne, on the thirtieth day of September, one thousand eight hundred and nine, the sum of one thousand seven hundred and fifty dollars is hereby appropriated, to be paid to the said tribes annually, as follows:

To the Delawares, five hundred dollars;

To the Miamies, five hundred dollars;

To the Eel river tribe, two hundred and fifty dollars;

To the Pottawatimies, five hundred dollars;

Which several annuities shall be permanent.

SEC. 2. *And be it further enacted*, That, for carrying into effect a separate article entered into between the United States and the Miamies and Eel river tribes of Indians, at Fort Wayne, on the thirtieth of September, one thousand eight hundred and nine, the sum of five hundred dollars annually is hereby appropriated, for the term of three years, and no longer. And a further annuity of two hundred dollars to the Miamies tribe

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of Indians; and to the Wea and Eel river tribes a further annuity of one hundred dollars each, which shall be permanent.

SEC. 3. *And be it further enacted*, That, for carrying into effect a treaty concluded at Fort Wayne, on the twenty-sixth day of October, one thousand eight hundred and nine, between the United States and the Wea tribe of Indians, the sum of one thousand five hundred dollars is hereby appropriated, and a further sum of three hundred dollars annually, which annuity shall be permanent.

SEC. 4. *And be it further enacted*, That, for carrying into effect a treaty concluded at Vincennes, on the ninth day of December, one thousand eight hundred and nine, between the United States and the Kickapoo tribe of Indians, the sum of five hundred dollars is hereby appropriated, to be paid annually to the said tribe, which annuity shall be permanent.

SEC. 5. *And be it further enacted*, That the several sums appropriated by this act, shall be paid out of any money in the Treasury, not otherwise appropriated.—Approved May 1, 1810.

An Act fixing the compensation of public Ministers, and of Consuls residing on the coast of Barbary, and for other purposes.

Be it enacted, &c., That the President of the United States shall not allow to any Minister Plenipotentiary a greater sum than at the rate of nine thousand dollars per annum, as a compensation for all his personal services and expenses; nor to any Chargé des Affaires, a greater sum than at the rate of four thousand five hundred dollars per annum, as a compensation for all his personal services and expenses; nor to the secretary of any Legation or Embassy to any foreign country, or secretary of any Minister Plenipotentiary, a greater sum than at the rate of two thousand dollars per annum, as a compensation for all his personal services and expenses; nor to any Consul who shall be appointed to reside at Algiers, a greater sum than at the rate of four thousand dollars per annum, as a compensation for all his personal services and expenses; nor to any other Consul who shall be appointed to reside at any other of the States on the coast of Barbary, a greater sum than at the rate of two thousand dollars per annum, as a compensation for all his personal services and expenses; nor shall there be appointed more than one Consul for any one of the said States: *Provided*, It shall be lawful for the President of the United States to allow to a Minister Plenipotentiary or Chargé des Affaires, on going from the United States to any foreign country, an outfit, which shall in no case exceed one year's full salary of such Minister or Chargé des Affaires; but no Consul shall be allowed an outfit in any case whatever, any usage or custom to the contrary notwithstanding.

SEC. 2. *And be it further enacted*, That, to entitle any Chargé des Affaires, or secretary to any Legation or Embassy to any foreign country, or secretary of any Minister Plenipotentiary, to the compensation hereinbefore provided, they

shall respectively be appointed by the President of the United States, by and with the advice and consent of the Senate; but, in the recess of the Senate, the President is hereby authorized to make such appointments, which shall be submitted to the Senate at the next session thereafter, for their advice and consent; and no compensation shall be allowed to any Chargé des Affaires, or any of the secretaries hereinbefore described, who shall not be appointed as aforesaid: *Provided*, That nothing herein contained shall be construed to authorize any appointment of a secretary to any Chargé des Affaires, or to any Consul residing on the Barbary coast, or to sanction any claim against the United States for expense incident to the same, any usage or custom to the contrary notwithstanding.

SEC. 3. *And be it further enacted*, That where any sum or sums of money shall be drawn from the Treasury, under any law making appropriation for the contingent expenses of intercourse between the United States and foreign nations, the President shall be and he hereby is authorized to cause the same to be duly settled, annually, with the accounting officers of the Treasury, in the manner following, that is to say: By causing the same to be accounted for specially in all instances wherein the expenditure thereof may in his judgment be made public, and by making a certificate of the amount of such expenditures as he may think it advisable not to specify, and every such certificate shall be deemed a sufficient voucher for the sum or sums therein expressed to have been expended.

SEC. 4. *And be it further enacted*, That it shall not be lawful for the Consuls of the United States, residing on the Barbary coast, or either of them, to expend or to disburse or pay, or caused to be paid, for any purpose or on any pretence whatever, not authorized by law, to any one of the Barbary Powers, or to the officers or subjects thereof, a greater sum than three thousand dollars in any one year, with intent to charge the United States with the same, without first obtaining a special approbation in writing, from the President of the United States, for that purpose. And every such Consul who shall, after notice of this act, expend or disburse, or pay or cause to be paid for any purpose or any pretence whatever, not authorized by law, to any one of the Barbary Powers, or to the officers or subjects thereof, a greater sum than three thousand dollars in any one year, or shall be aiding or assisting therein, without first obtaining the approbation of the President as aforesaid, shall forfeit and pay to the Treasury of the United States a sum equal to one half his yearly compensation; and shall, moreover, stand charged with and be accountable for all moneys so disbursed or paid, contrary to the provisions of this act.

SEC. 5. *And be it further enacted*, That, from and after the first day of November next, no Consul of the United States, residing on the Barbary coast, shall own, in whole or in part, any ship or vessel, to be concerned directly or indirectly in the exportation from, or importation to,

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any of the States on the coast of Barbary, of any goods, wares, or merchandise, on penalty that every Consul so offending, and being thereof convicted, shall for every offence forfeit a sum not exceeding one thousand dollars.

SEC. 6. *And be it further enacted*, That it shall be the duty of the Consuls residing on the Barbary coast to transmit to the Secretary of the Treasury, annually, an account of all moneys received, and of all disbursements or expenditures made by them, respectively, for or on account of the United States, and the particular purpose to which the moneys have been applied, and the vouchers to support the same: and the Secretary of the Treasury shall transmit to Congress, within two months after the commencement of the first session thereof, in every year, a statement of all the moneys disbursed from the Treasury of the United States, for expenses of intercourse with the Barbary Powers during the preceding year, therein noting, as far as can be ascertained at the Treasury, the sums received by the agents or Consuls, and the purposes to which the same have been applied.

SEC. 7. *And be it further enacted*, That the act, entitled "An act in addition to the law of the United States concerning Consuls and Vice Consuls," approved July sixth, one thousand seven hundred and ninety-seven, and the act, entitled "An act to ascertain the compensation of public Ministers," approved May the tenth, one thousand eight hundred, be and the same are hereby repealed.—Approved, May 1, 1810.

An Act in addition to an act, entitled "An act concerning the Library for the use of both Houses of Congress."

Be it enacted, &c., That the President of the Senate and Speaker of the House of Representatives, for the time being, be and they are hereby authorized to grant the use of the books in the Library of Congress, to the agent of the joint committee of Congress appointed in relation to the Library, on the same terms, conditions, and restrictions, as members of Congress are allowed to use said books, anything contained in any former law to the contrary notwithstanding.

Approved, May 1, 1810.

An Act authorizing a loan of money, for a sum not exceeding the amount of the principal of the public debt, reimbursable during the year one thousand eight hundred and ten.

Be it enacted, &c., That the President of the United States be and he is hereby empowered to borrow, on the credit of the United States, a sum not exceeding the amount of the principal of the public debt, which will be reimbursed, according to law, during the present year, by the Commissioners of the Sinking Fund, at a rate of interest payable quarter yearly, not exceeding six per centum per annum, and reimbursable at the pleasure of the United States, or at such period as may be stipulated by contract, not exceeding six years, from the first day of January next; to be applied,

in addition to the moneys now in the Treasury, or which may be received therein from other sources during the present year, to defray any of the public expenses which are, or may be authorized by law. The stock thereby created, shall be transferable in the same manner as is provided by law for the transfer of the funded debt. It shall be lawful for the Bank of the United States to lend the said sum or any part thereof; and it is further hereby declared, that it shall be deemed a good execution of the said power to borrow, for the Secretary of the Treasury, with the approbation of the President of the United States, to cause to be constituted certificates of stock, signed by the Register of the Treasury, or by a commissioner of loans, for the sum to be borrowed, or for any part thereof, bearing an interest of six per cent. per annum, transferable and reimbursable as aforesaid; and to cause the said certificates of stock to be sold: *Provided*, That no such stock be sold under par.

SEC. 2. *And be it further enacted*, That the Secretary of the Treasury be and he is hereby authorized, with the approbation of the President of the United States, to give the preference, in the subscriptions which may be made to the loan authorized by this act, to the holders of the exchanged six per cent. stock, created by virtue of the second section of the act passed on the eleventh day of February, one thousand eight hundred and seven, for an amount not exceeding, for each such stockholder, the amount of the said exchanged six per cent. stock held by him at the time of subscribing as aforesaid: *Provided*, That the holders of the said stock, who may be desirous to subscribe to the said loan, shall notify the same in the manner and within the time to be designated by public notice, for that purpose, by the Secretary of the Treasury, with the approbation of the President of the United States: *And provided, also*, That the sum which may be thus borrowed from the holders of the said exchanged six per cent. stock shall be reimbursable at the pleasure of the United States.

SEC. 3. *And be it further enacted*, That so much of the funds constituting the annual appropriation of eight millions of dollars for the payment of the principal and interest of the public debt of the United States, as may be wanted for that purpose, is hereby pledged and appropriated for the payment of the interest and for the reimbursement of the principal of the stock, which may be created by virtue of this act. It shall accordingly be the duty of the Commissioners of the Sinking Fund, to cause to be applied and paid out of the said fund yearly, and every year, such sum and sums as may be annually wanted to discharge the interest accruing on the said stock, and to reimburse the principal, as the same shall become due, and may be discharged in conformity with the terms of the loan; and they are further authorized to apply, from time to time, such sum or sums out of the said fund as they may think proper, toward redeeming by purchase, and at a price not above par, the principal of the said stock, or any part thereof. And the faith of the

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United States is hereby pledged to establish sufficient revenues for making up any deficiency that may hereafter take place in the funds hereby appropriated for paying the said interest and principal sums, or any of them, in manner aforesaid.

Approved, May 1, 1810.

An Act to erect a light-house at the entrance of Scituate harbor, a stone column on a spit of sand at the entrance into Boston harbor, and a beacon on Beach point near Plymouth harbor in the State of Massachusetts; a light at the entrance of Bayou St. John, into Lake Pontchartrain, and two lights on Lake Erie, and for beacons and buoys, near the entrance of Beverly harbor.

Be it enacted, &c., That, on the cession of the jurisdiction of so much land on one of the points forming the entrance of Scituate harbor, in the State of Massachusetts, as the President of the United States shall deem sufficient and most proper for a light-house, it shall be the duty of the Secretary of the Treasury to provide by contract for building of a light-house of stone thereon, and placing it on the like establishment with other light-houses. The number and disposition of the lights shall be such as may distinguish it from those of others.

SEC. 2. *And be it further enacted,* That it shall be the duty of the Secretary of the Treasury to cause to be erected a column of stone, as a beacon, on a spit of sand, extending from Light-House, or from the Great Brewster island, at the entrance of the harbor of Boston, in the State of Massachusetts, of such form and dimensions as he shall deem necessary. And also to cause good and sufficient buoys and beacons to be placed, for the safety of navigation, at or near the entrance of the harbor of Beverly, in Massachusetts.

SEC. 3. *And be it further enacted,* That one of the two beacons directed to be erected on the Stony Muscle Bed, near Plymouth harbor, in the State of Massachusetts, by an act which passed the seventeenth of March, eighteen hundred and eight, be and the same is hereby directed to be erected on Beach point, near the said harbor of Plymouth.

SEC. 4. *And be it further enacted,* That the Secretary of the Treasury be and he is hereby authorized to cause to be erected and established, under proper regulations, such a light as he shall deem proper and necessary, at or near the entrance of Bayou St. John into Lake Pontchartrain, in the Territory of Orleans; and such lights as he shall deem proper on or near Bird island, and on or near Presque Isle, in Lake Erie.

SEC. 5. *And be it further enacted,* That there be appropriated out of any moneys in the Treasury of the United States, not otherwise appropriated, the following sums of money to accomplish the purposes of this act, to wit:

For the erection of a light-house, at the entrance of Scituate harbor, four thousand dollars.

For the erection of a stone column on a spit of sand, extending from Light-House island, at the entrance of Boston harbor, three thousand five hundred dollars.

And for the erection and establishment of a light at the entrance of Bayou St. John into Lake Pontchartrain, two thousand dollars.

And for the erection and establishment of two lights on Lake Erie, one thousand six hundred dollars.

And for beacons and buoys near the entrance of Beverly harbor, the sum of fifteen hundred dollars.—Approved, May 1, 1810.

RESOLUTION.

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the expressions contained in the official letter of Francis J. Jackson, Minister Plenipotentiary of His Britannic Majesty near the United States, dated the 23d day of October, 1809, and addressed to Mr. Smith, Secretary of State, conveying the idea that the Executive Government of the United States had a knowledge, that the arrangement lately made by Mr. Erskine, his predecessor, in behalf of his Government, with the Government of the United States, was entered into without competent powers on the part of Mr. Erskine for that purpose, were highly indecorous and insolent: That the repetition of the same intimation in his official letter dated the 4th of November, 1809, after he was apprized, by the asseveration of the Secretary of State, that the Executive Government had no such knowledge, and that if it had possessed such knowledge, such arrangement would not have been entered into on the part of the United States; and after also being officially apprized, that such intimation was inadmissible, was still more insolent and affronting; and that in refusing to receive any further communications from him, in consequence of these outrageous and premeditated insults, the Executive Government has manifested a just regard to its own dignity and honor, as well as to the character and interest of the American people: That the letter, signed Francis J. Jackson, headed "Circular," dated 13th November, 1809, and published and circulated through the country, is a still more direct and aggravated insult and affront to the American people and their Government, as it is evidently an insidious attempt to excite their resentments and distrusts against their own Government, by appealing to them, through false or fallacious disguises, against some of its acts; and to excite resentments and divisions amongst the people themselves, which can only be dishonorable to their own characters and ruinous to their own interests: And the Congress of the United States do hereby solemnly pledge themselves to the American people, and to the world, to stand by and support the Executive Government in its refusal to receive any further communications from the said Francis J. Jackson, and to call into action the whole force of the nation, if it should become necessary, in consequence of the conduct of the Executive Government in this respect, to repel such insults, and to assert and maintain the rights, the honor, and the interests of the United States.—Approved, January 12, 1810.